

PREFACE

The Township of North Londonderry has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Township, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Township. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Board of Supervisors ordered the following codification of the Township's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Board of Supervisors of the Township of North Londonderry, including revisions or amendments to existing legislation deemed necessary by the Board of Supervisors in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Township legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Township legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Table of Contents and Grouping of Legislation

The Table of Contents details the arrangement of material alphabetically by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, the use of article designations has preserved the identity of the individual enactments, and the titles of the articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

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Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which the section number indicates the number of the chapter and the location of the section within that chapter. Thus, the first section of Chapter 30 would be § 30-1, while the sixth section of Chapter 57 would be § 57-6.

Scheme

The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

PREFACE

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1991 Code have been included in the 2012 Code, or the reason for exclusion.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should

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be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Township officials is gratefully acknowledged by the editor. The codification of the legislation of the Township of North Londonderry reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Adoption of Code

[Adopted 11-12-1991 as Ord. No. 86]

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 702, Clause XLI.1 (53 P.S. § 65741.1) of the Second Class Township Code, the codification of a complete body of legislation for the Township of North Londonderry, County of Lebanon, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 103, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township of North Londonderry, which shall be known and is hereby designated as the "Code of the Township of North Londonderry," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township of North Londonderry, and it is the intention of said Board of Supervisors that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of legislation not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Township of North Londonderry and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance

shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to August 14, 1990.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Township.
- K. Any ordinance providing for requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Township or setting the bond of any officer or employee.

- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any provisions regulating vehicles and traffic in the Township of North Londonderry.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted legislation; new provisions.

- A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one (1) or more of said ordinances and resolutions. It is the intention of the Board of Supervisors that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. All references to "Justice of the Peace" are hereby amended to refer to "District Justice."¹
- C. Substantive changes and revisions. In addition to the changes and revisions described above, the following changes and revisions of a substantive nature are hereby made to various ordinances and resolutions included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.²

§ 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or

1. Editor's Note: Pursuant to state law revision, in the 2013 republication of the Township's Code, all references to "District Justice" were amended to read "Magisterial District Judge."

2. Editor's Note: A complete description of each change may be found in Ord. No. 86, on file in the office of the Township Secretary.

in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copies of Code.

Three (3) copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Township Secretary, as provided by law, and such certified copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Township Secretary or someone authorized and directed by him or her to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all legislation adopted by the Board of Supervisors subsequent to the effective date of this codification which the Board of Supervisors shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Township Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Township. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation. [Amended 6-11-1996 by Ord. No.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the Township to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine not exceeding three hundred dollars (\$300), plus court costs.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, Article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, Article, chapter or part thereof rendered. It is hereby declared to be the intent of the Board of Supervisors that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, Article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after November 12, 1991.

ARTICLE II
Adoption of Code Renumbering
[Adopted 2-19-2013 by Ord. No. 168]

§ 1-16. Approval, adoption and enactment of Code.

The ordinances and legislation of the Township of North Londonderry of a general and permanent nature, including the 1991 Code adopted by the Board of Supervisors of the Township of North Londonderry, as revised, codified and consolidated into chapters, articles and sections by General Code, as set forth in the Derivation Table included at the end of the Code, and as renumbered to consist of Chapters 1 through 150, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Township of North Londonderry," hereafter referred to as the "Code."

§ 1-17. Nonsubstantive changes in previously adopted legislation.

In compiling and preparing the legislation and 1991 Code for publication as the 2012 Code of the Township of North Londonderry, no changes in the meaning or intent of such legislation have been made. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. Chapters, articles and sections have been renumbered pursuant to the Derivation Table included at the end of the Code, including all internal references and cross-references. It is the intention of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation had been previously formally amended to read as such.

§ 1-18. Updated nomenclature references pursuant to statute.

Throughout the Code, the following terms are revised as indicated in conformity with statutory revisions:

- A. "Justice of the Peace," "District Magistrate" and "District Justice" are amended to read "Magisterial District Judge."
- B. "Department of Environmental Resources" is amended to read "Department of Environmental Protection," and "DER" is amended to read "DEP."

§ 1-19. Continuation of provisions.

- A. The provisions of this Code, insofar as they are substantively the same as those of ordinances and other legislation, including the 1991 Code, in force immediately prior to the enactment of this Code by this ordinance, are intended as a continuation of such ordinances and other legislation and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or other legislation. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township of North Londonderry, and it is the intention of said Board of Supervisors that each such provision contained within the Code is hereby reaffirmed as it appears in said Code.
- B. For purposes of transition from the 1991 Code to this Code, any reference to a chapter or section number from the 1991 Code on or in any form, license, permit, ticket or other Township document shall be deemed to refer to the corresponding chapter or section in this Code until such form, license, permit, ticket or other Township document is revised or reprinted to refer to the numbering in this Code.

§ 1-20. When effective.

This ordinance shall become effective in five (5) days.

Chapter 5

AUTHORITIES, MUNICIPAL

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Private sewage disposal systems — See Ch. 110.

Public sewers — See Ch. 114.

Solid waste — See Ch. 120.

ARTICLE I

Sewer Authority

[Adopted 4-11-1972 by Ord. No. 8 (Ch. 5 of the 1991 Code)]

§ 5-1. Authority organized.

The Board of Township Supervisors of this Township signifies its intention and desire to organize an Authority under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented (the "Authorities Act"),¹ for the purpose of acquiring, holding, constructing, improving, maintaining, operating, owning and leasing, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof and sewage treatment works, including works for treatment and disposing of industrial waste, but the Authority shall undertake for its first project the construction of a sewer collection system in North Londonderry Township, with the Township of North Londonderry as lessee, including agreements with adjoining municipalities or authorities for the transmission and treatment of the sewage.

§ 5-2. Articles of Incorporation.

The Chairman or Vice Chairman of the Board of Supervisors and Secretary or Assistant Secretary, respectively, of this Township are authorized and directed to execute, on behalf of this Township, Articles of Incorporation for such Authority in substantially the following form:

ARTICLES OF INCORPORATION

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," and pursuant to an ordinance duly enacted by the municipal authorities of the Township of North

¹. Editor's Note: The Municipality Authorities Act of 1945 (53 P.S. § 301 et seq.) was repealed by Act 22 of 2001 (June 19, 2001, P.L. 287, No. 22). See now the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.

Londonderry, Lebanon County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipality to organize an Authority under provisions of said Act, the incorporating municipality does certify:

1. The name of the Authority is "North Londonderry Township Authority."
2. The Authority is formed under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," for the following purposes: to acquire, hold, construct, improve, maintain, operate, own and lease, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof and sewage treatment works, including works for treating and disposing of industrial waste, but the Authority shall undertake for its first project the construction of a sewer collection system in North Londonderry Township, with the Township of North Londonderry as lessee, including agreements with adjoining municipalities or authorities for the transmission and treatment of the sewage.
3. No other Authority has been organized under the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," or under the Act of Assembly approved June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the incorporating municipality, except the Palmyra Area Joint School Authority, consisting of the school district of the Borough of Palmyra, the school district of the Township of North Londonderry and the school district of the Township of South Londonderry, Lebanon County, Pennsylvania.

4. The name of the incorporating municipality is:

Township of North Londonderry
Lebanon County, Pennsylvania

5. The names and addresses of the municipal authorities of said incorporating municipality are:

Office	Name	Address
Township Supervisor and Chairman of Board of Township Supervisors	Harold J. Schriver	1015 South Prince Street Palmyra (North Londonderry Township), Pennsylvania
Township Supervisor and Vice Chairman of Board of Township Supervisors	Russell L Bomgardner	R.D. No. 2, Palmyra (North Londonderry Township), Pennsylvania
Township Supervisor and Secretary	John C. Rauch	105 Lynnwood Drive Palmyra (North Londonderry Township), Pennsylvania

6. The names, addresses and terms of office of the first members of the Board of the Authority, each of whom is a resident and citizen of said incorporating municipality, are as follows:

Name	Address	Term of Office (years)
Salvatore J. Cordaro	1232 South Prince Street Palmyra (North Londonderry Township), Pennsylvania	5
Edgar L. Lippi	26 Lynnwood Drive Palmyra (North Londonderry Township), Pennsylvania	4
Kenneth R. Gingrich	476 East Fir Street Palmyra (North Londonderry Township), Pennsylvania	3
Karl W. Bordner	1019 East Maple Street Palmyra (North Londonderry Township), Pennsylvania	2
S. Clyde Shaffer	1122 South Green Street Palmyra (North Londonderry Township), Pennsylvania	1

7. The term of existence of North Londonderry Township Authority shall end on July 1, 2057.
[Added 8-20-2007 by Res. No. 08-20-2007A]

8. North Londonderry Township Authority is formed for the purposes of financing working capital; acquiring, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof and sewage treatment works, including works for treating or disposing of industrial waste, and, as appropriate, entering into agreements with adjoining municipalities or authorities for the transmission and/or treatment of sewage.
[Added 8-20-2007 by Res. No. 08-20-2007A]

§ 5-3. Publication of Articles of Incorporation.

The Chairman or Vice Chairman of the Board of Supervisors and Secretary or Assistant Secretary, respectively, of this Township are authorized and directed to cause notice of the substance of this chapter, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.²

§ 5-4. Filing of Articles of Incorporation.

The Chairman or Vice Chairman of the Board of Supervisors and Secretary or Assistant Secretary, respectively, of this Township are authorized and directed to cause such Articles of Incorporation, together with necessary proofs of publication, to be filed with the Secretary of the

2. Editor's Note: See The Municipality Authorities Act of 1945 (53 P.S. § 301 et seq.) was repealed by Act 22 of 2001 (June 19, 2001, P.L. 287, No. 22). See now the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.

Commonwealth of Pennsylvania and to do all other acts and things necessary or appropriate to effect the incorporation of the Authority, including payment of any fees necessary in connection therewith.

§ 5-5. Initial members of Board.

The following named persons shall be and they are appointed as first members of the Board of the Authority for the following terms of office:

Name	Address	Term of Office (years)
Salvatore J. Cordaro	1232 South Prince Street Palmyra (North Londonderry Township), Pennsylvania	5
Edgar L. Lippi	26 Lynnwood Drive Palmyra (North Londonderry Township), Pennsylvania	4
Kenneth R. Gingrich	476 East Fir Street Palmyra (North Londonderry Township), Pa.	3
Karl W. Bordner	1019 East Maple Street Palmyra (North Londonderry Township), Pennsylvania	2
S. Clyde Shaffer	1122 South Green Street Palmyra (North Londonderry Township), Pennsylvania	1

§ 5-6. Legislative intent.

The enactment of this chapter is deemed necessary for the benefit of and preservation of the public health, peace, comfort and general welfare of and will increase the prosperity of citizens of this Township.

ARTICLE II

Greater Lebanon Refuse Authority

[Adopted 3-10-1976 by Ord. No. 24 (Ch. 29 of the 1991 Code). Amendments noted where applicable.]

§ 5-7. Intent.

The Township of North Londonderry hereby signifies its intention and desire to join the Greater Lebanon Refuse Authority.

§ 5-8. Execution of application.

The President and Secretary are hereby authorized and directed to execute on behalf of the Township an application with the Secretary of the Commonwealth of Pennsylvania to join the Greater Lebanon Refuse Authority.

§ 5-9. Notice.

The Secretary of the Township of North Londonderry is further directed to cause a notice of the substance of this chapter and of the proposed filing of the application to be published once in the Lebanon Daily News, a newspaper of general circulation in the County of Lebanon, and in the Lebanon County Legal Journal, as required by the Municipality Authorities Act of 1945, as amended.³

§ 5-10. Initial member of Board.

The name, address and term of office of the first member of the Board of the Authority from the Township of North Londonderry is:

NAME: Dale Huffman

ADDRESS: R.D. #1, Box 148, Palmyra, Pennsylvania 17078

TERM: Expires January 1, 1979

§ 5-11. Payment of entrance fee authorized.

The Treasurer is hereby authorized to pay to the Greater Lebanon Refuse Authority from general funds an entrance fee of fifty cents (\$0.50) per capita, based on the 1960 census of said municipality, plus interest at the rate of six percent (6%) per annum, from January 1, 1960, through June 30, 1975.

3. Editor's Note: The Municipality Authorities Act of 1945 (53 P.S. § 301 et seq.) was repealed by Act 22 of 2001 (June 19, 2001, P.L. 287, No. 22). See now the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.

Chapter 12

INTERGOVERNMENTAL AGREEMENTS

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Municipal authorities — See Ch. 5.
Parks and recreation — See Ch. 90.
Private sewage disposal systems — See Ch. 110.
Public sewers — See Ch. 114.
Vehicles and traffic — See Ch. 140.

ARTICLE I

Susquehanna Municipal Trust

[The current Susquehanna Municipal Trust agreement is on file in the Township offices.]

§ 12-1. through § 12-4. (Reserved)

ARTICLE II

North Londonderry Township Authority/Palmyra Borough Treatment Agreement [Adopted 12-15-2008 by Ord. No. 149 (Ch. 12, Art. II, of the 1991 Code)]

§ 12-5. Entrance into agreement.

This Township shall enter into a treatment agreement (the "agreement") with North Londonderry Township Authority (the "Authority") on the one hand, and the Borough of Palmyra, Lebanon County, Pennsylvania (the "Borough"), on the other hand, whereby, inter alia, the Authority and/or this Township will covenant and agree to acquire, to construct, to own and to operate certain sanitary sewage treatment and disposal system facilities required for rendering sewage treatment and disposal services in and for this Township and the Borough, and the Authority, the Borough and this Township will make certain covenants and agreements with respect thereto, including the enforcing of requirements for connection to and use of such sanitary sewage treatment and disposal system facilities; the payment of certain sums to the Authority and this Township in accordance with the agreement; and other related matters. The agreement shall be substantially in the form presented to this meeting, which agreement and the form thereof are approved.

§ 12-6. Approval of agreement; copy on file.

This Township shall enter into the agreement, substantially in the form presented to this meeting, which form is approved; and a copy of the agreement in the form so presented and approved shall be filed with this Township's Secretary and made available for inspection at reasonable times by interested persons requesting such inspection, together with such changes and modifications thereof as are approved by the officers of this Township executing and delivering

the same, which approval conclusively shall be deemed to have been given upon execution and delivery thereof.

§ 12-7. Execution of agreement.

The Chairman or Vice Chairman of the Board of Supervisors and the Secretary or Assistant Secretary of this Township, as applicable, are authorized and directed to execute, to attest and to deliver the agreement, substantially in the form referred to in § 12-6.

§ 12-8. Other actions.

Proper officers of this Township are authorized and directed to execute all documents and to do all other acts that may be necessary and proper to carry out this article and the undertakings of this Township in the agreement.

ARTICLE III
Palmyra Area Recreation and Parks Commission Agreement
[Adopted 6-20-2011 by Ord. No. 161]

§ 12-9. Incorporation by reference.

The caption of and recitals to this article as set forth above are incorporated herein by reference.¹

§ 12-10. Entrance into agreement.

This Municipality agrees that Palmyra Borough, North Londonderry Township, South Londonderry Township, and Palmyra Area School District shall join with each other in accordance with the Pennsylvania Intergovernmental Cooperation Act by entering into the agreement and addendum to agreement which is adopted by reference with the same effect as if it had been set out verbatim in this section. A copy of the agreement and addendum to agreement shall be filed with the official records of the Municipality.

§ 12-11. Authority to enter into agreement.

This Municipality is authorized to enter into the agreement and addendum to agreement for the purposes contained therein. This action is to be taken by the officials or employees of this Municipality designated for this purpose, pursuant to general or specific instructions issued by the governing body.

§ 12-12. Findings and determinations.

As required by the Intergovernmental Cooperation Act,² the following matters are specifically found and determined:

- A. The conditions of the intermunicipal agreement and addendum to agreement are set forth in the agreement and addendum to agreement referenced in § 12-10.

1. Editor's Note: A full copy of Ord. No. 161, which adopted this article, including the caption and recitals thereof, is on file in the Township offices.

2. Editor's Note: See 53 Pa.C.S.A. § 2301 et seq.

- B. The agreement and addendum to agreement shall commence on January 1, 2010, and shall continue for a term of five (5) years ending December 31, 2015. After the initial five (5) year term, any of the parties may withdraw from the agreement and addendum to agreement at the end of any calendar year by giving written notice of such withdrawal to all other parties and to the Commission one (1) year prior to the proposed withdrawal.
- C. The purposes and objectives of the agreement and addendum to agreement are to provide a framework and mechanism to adequately maintain community recreation and parks services and facilities and to organize, sponsor and supervise community events and to prevent duplication of effort.
- D. Each municipality shall make contributions to the Commission as set forth in the agreement and addendum to agreement. Each municipality and the school district shall make available, without charge, for use by the Commission, certain properties.
- E. No new entity is proposed to be formed. The Commission, an existing entity, shall continue. The manner of making appointment to the Commission shall be as set forth in the agreement and addendum to agreement.
- F. No real property is proposed to be acquired under the agreement and addendum to agreement. Each party shall own and maintain its property.
- G. Each party and the Commission have the power to enter into contracts for policies for insurance and other employee benefits.

§ 12-13. Modification of agreement.

The Board of Supervisors reserves the right to modify, supplement or amend the agreement and addendum to agreement from time to time by resolution or ordinance.

§ 12-14. Authority to modify agreement.

The Board of Supervisors is authorized to take such other action as may be necessary to carry out the purposes of this article in connection with the implementation of the agreement and addendum to agreement.

§ 12-15. Ratification of other agreements.

All other intergovernmental agreements between this municipality and the other parties presently existing are hereby ratified and confirmed to the extent such agreements are not inconsistent with the agreement and addendum to agreement authorized herein.

ARTICLE IV

**State Route 422 Multijurisdictional Signal System Agreement
[Adopted 6-20-2011 by Ord. No. 161]**

§ 12-16. Authorization of ordinance.

This article is authorized by the Intergovernmental Cooperation Act, 53 Pa.C.S.A. § 2301 et. seq.

§ 12-17. Adoption of agreement.

The Cooperative Memorandum of Agreement between North Annville Township, the Lebanon County Planning Department, the Borough of Palmyra, North Londonderry Township, Annville Township, South Annville Township, and the Borough of Cleona (hereinafter "agreement"), which is adopted by reference with the same effect as if it had been set forth verbatim in this section. A copy of the agreement shall be filed with the official records of North Londonderry Township.

§ 12-18. Authorization to execute.

The appropriate members of the municipal body and any representatives thereof are hereby authorized to execute the agreement. The appropriate members of the Board of Supervisors are further authorized to do whatever is necessary and appropriate to carry out the provisions of the agreement and this article, and to comply with the purpose and intent of the agreement and this article. Any actions already taken by North Londonderry Township in accordance with the terms of the agreement and this article are hereby ratified.

§ 12-19. Conditions of agreement.

The agreement is contingent upon the governing body of each municipality granting approval at a public meeting pursuant to and in accordance with the Intergovernmental Cooperation Act, 53 Pa.C.S.A. § 2301 et. seq. The agreement is also contingent upon its proper execution by all parties to the agreement, along with the Commonwealth receiving the necessary funds and proceeding with construction and implementation of the multijurisdictional signal system.

§ 12-20. Duration of agreement.

The agreement shall remain in place for the life of the multijurisdictional signal system, unless terminated by the party or parties in accordance with the terms and provisions of the agreement.

§ 12-21. Purpose and objectives of agreement.

The purpose and objectives of the agreement include, but are not limited to, the following:

- A. To establish a collaborative maintenance support and operational oversight program for no less than a three-year period upon completion of the testing and operational support period of the multijurisdictional signal system.
- B. To support the interoperability and compatibility of the multijurisdictional signal system by requiring future enhancements and upgrades to the multijurisdictional signal system.
- C. To coordinate as needed to maximize safe and efficient multijurisdictional signal system operations for the life of the system.
- D. To perform such other activities as the parties to the agreement mutually agree may be undertaken which are related to the objectives identified above.

§ 12-22. Manner and extent of financing agreement.

The manner and extent of financing for the agreement includes, but is not limited to, the following:

- A. The construction and implementation of the multijurisdictional signal system will be funded by proceeds received by the commonwealth through Federal Highway Administration funding.
- B. Communication fees will be the responsibility of the collaborative maintenance support and operational oversight program directed and funded by the Lebanon County Planning Department.
- C. Electric utility fees will be the responsibility of each municipality or other third parties.
- D. Any incidental costs associated with providing power to the adaptive controller and system computer located in the North Londonderry Township Office will be funded by North Londonderry Township.
- E. Developers or other transportation enhancement projects will fund, at the discretion of the parties to the agreement, the following:
 - (1) Furnish and install adaptive control and communication equipment at the approval of the Commonwealth and the parties to the agreement to all new signals installed within one-half (1/2) mile of the multijurisdictional signal system or all new signals installed within one (1) mile of the multijurisdictional signal system if the proposed development will impact the intersection.
 - (2) Maintain system timing plan cycle lengths in traffic impact analyses if the impact (as defined in Paragraph 6 of the agreement) of the development does not extend beyond four intersections with the multijurisdictional signal system coverage area.
 - (3) Analyze the impact on the entire multijurisdictional signal system if the proposed development has an impact on more than four intersections within the multijurisdictional signal system coverage area.
 - (4) Provide materials and equipment necessary to meet operational compatibility (as defined in Paragraph 5 of the agreement).

§ 12-23. Organizational structure.

The oversight and implementation of the terms of the agreement shall be by and through the Lebanon County Planning Department.

§ 12-24. Acquisition, management, licensing or disposition of property.

The agreement does not authorize the parties to the agreement to purchase real or personal property. Any maintenance to the Communication and Adaptive Control System shall be in accordance with relevant PennDOT publications.

§ 12-25. Authority to enter into contracts.

The parties to the agreement are empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for any employees. No such employees are anticipated by the parties to the agreement.

Chapter 18

MANAGER

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 2-10-1981 by Ord. No. 49 (Ch. 15 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 25.
Retirement benefits — See Ch. 33.
Salaries and compensation — See Ch. 37.

§ 18-1. Office created.

The office of the Township Manager is hereby created by the Township of North Londonderry.

§ 18-2. Appointment; term. [Amended 2-14-1989 by Ord. No. 76]

The Manager shall be appointed for an indefinite term by a majority of all the members of the Board of Supervisors.

§ 18-3. Qualifications. [Amended 2-14-1989 by Ord. No. 76]

The Manager shall be chosen solely on the basis of his executive and administrative abilities, with special practices in respect to the duties of his office as herein outlined. The Manager need not be a resident of the Township.

§ 18-4. Bond. [Amended 2-14-1989 by Ord. No. 76]

The Manager shall give a bond to the Township, with a bonding agency as surety, to be approved by the Board of Supervisors, in a sum not less than one hundred thousand dollars (\$100,000), conditioned for the Township.

§ 18-5. Compensation. [Amended 2-14-1989 by Ord. No. 76]

The salary of the Township Manager shall be fixed from time to time by the Board of Supervisors by resolution.

§ 18-6. Powers and duties.

- A. The Manager shall be the Chief Administrative Officer of the Township and he shall be responding to the Board of Supervisors as a whole for the proper and efficient administration of the affairs of the Township. His powers and duties shall relate to the general management of all Township business not expressly by statute imposed or conferred upon other Township officers.
- B. Subject to recall by ordinance of the Board of Supervisors, the powers and duties of the

Township Manager shall include the following:

- (1) He shall supervise and be responsible for the activities of all municipal departments, devoting full time of at least forty (40) hours per week to Township duties and, in addition, be subject to call twenty-four (24) hours a day, seven (7) days a week, in the event of emergency or other substantial need, using as his office the facilities provided at the Township municipal building where all official records are to be maintained.
- (2) He shall, with the prior approval of the majority of the Board of Supervisors, hire and, when necessary, shall suspend or discharge all employees under his supervision.
- (3) He shall prepare and submit to the Board of Supervisors before the close of the fiscal year, or on such alternate date as the Board of Supervisors shall determine, a budget for the next fiscal year and an explanatory budget message. In preparing the budget, the Manager, or an officer designated by him, shall obtain from the head of each department, agency, board or officer, estimates of revenues and expenditures and other supporting data as he requests. The Manager shall review such estimates and may revise them before submitting the budget to the Board of Supervisors.
- (4) He shall be responsible for the administration of the budget after its adoption by the Board of Supervisors.
- (5) He shall be in charge of all Township operations, including but not limited to the Highway Department, Administration Office, Secretary, Treasurer, Police Department and any other department hereinafter established by the Supervisors. All employees shall report directly to each department head, and each department head shall report directly to the Manager. The Manager shall report directly to the Supervisors on all activities and duties of his office, and he shall further report all matters pertaining to the Highway Department, Administration Office, Police Department or other departments hereinafter established by the Supervisors. [Amended 12-8-1987 by Ord. No. 70]
- (6) He shall attend all meetings of the Board of Supervisors and its committees.
- (7) He shall prepare the agenda for each meeting of the Board of Supervisors and supply facts pertinent thereto.
- (8) He shall keep the Board of Supervisors informed as to the conduct of Township affairs, submit periodic reports on the condition of the Township finances and such other reports as the Board of Supervisors request, and make such recommendations to the Board of Supervisors as he deems necessary.
- (9) He shall submit to the Board of Supervisors, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Township for the preceding year.
- (10) He shall see that the provisions of all franchises, leases, permits and privileges granted by the Township are observed.
- (11) He may employ, by and with the 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.

- (12) He shall attend to the letting of contracts, with prior approval of the majority of the Board of Supervisors, in due form of law and he shall supervise the performances and faithful execution of the same, except insofar as such duties are expressly imposed upon some other Township office by statute.
- (13) He shall see that all money owed the Township is promptly paid and that proper proceedings are taken for the security and collection of all the Township's claims.
- (14) He shall be the purchasing officer of the Township and he shall purchase, in accordance with the provisions of the Township Code, all supplies and equipment for the various agencies, boards, departments and other offices of the Township. He shall keep an account of all purchases and shall, from time to time or when directed by the Board of Supervisors, make a full written report thereof. He shall also issue rules and regulations, subject to the approval of the Board of Supervisors, governing the requisition and purchasing of all municipal supplies and equipment. Notwithstanding anything herein contained to the contrary, the Township Manager shall not have the power and authority to make purchases or to enter into contracts where, according to the Second Class Township Code,¹ advertising is required, except with the prior approval of the majority of the Board of Supervisors in cases of emergencies.
- (15) All complaints regarding services of personnel of the Township shall be referred to the office of the Manager. He, or an officer designated by him, shall investigate and dispose of such complaints, and the Manager shall report thereon to the Board of Supervisors.

§ 18-7. Township Secretary. [Added 12-8-1987 by Ord. No. 70]

The Secretary shall be in charge of the day-to-day operations of the Administration Office, including clerical, bookkeeping and related activities and shall report directly to and be responsible to the Township Manager.

§ 18-8. Police Chief. [Added 12-8-1987 by Ord. No. 70]

The Police Chief shall see to enforcement of the laws of the Commonwealth under his jurisdiction and Township ordinances which are summary in nature and be in charge and provide direct administration of the Township Police Department, including its officers, who shall report to the Chief. The Police Chief shall report directly to and be responsible to the Township Manager.

§ 18-9. Administrative Assistant/Assistant Township Manager. [Added 12-8-1987 by Ord. No. 70]

The Administrative Assistant/Assistant Township Manager shall be responsible for all Township operations assigned to him by the Township Manager. In the absence of the Township Manager, he shall resume the duties and responsibilities of the Township Manager as set forth in this

1. Editor's Note: See 53 P.S. § 65101 et seq.

chapter. He shall report directly to and be responsible to the Township Manager.

Chapter 22

PLANNING COMMISSION

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 4-13-1965 by Ord. No. 2 (Ch. 21 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 150.

§ 22-1. Commission established.

A Planning Commission is hereby established.

§ 22-2. Membership; terms of office.

A. It shall consist of five (5) members, the terms of the first appointed to be:

- (1) One (1) member for one (1) year.
- (2) One (1) member for two (2) years.
- (3) One (1) member for three (3) years.
- (4) One (1) member for four (4) years.
- (5) One (1) member for five (5) years.

B. Annually thereafter, a member of the Commission shall be appointed for a term of four (4) years. [Amended 11-12-1991 by Ord. No. 86]

Chapter 25

POLICE DEPARTMENT

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Manager — See Ch. 18.

Peace and good order — See Ch. 96.

ARTICLE I

Police Escorts

[Adopted 10-15-1984 by Res. No. 10-15-84-A (Ch. 25, Art. I, of the 1991 Code)]

§ 25-1. Fees; billing. [Amended 6-20-2011 by Ord. No. 161]

All individuals, partnerships, associations or corporations utilizing the North Londonderry Township Police Department for police escort service shall pay to North Londonderry Township charges as established from time to time by resolution of the Board of Supervisors of North Londonderry Township.

§ 25-2. Bank escorts.

Bank escorts will be provided by the Police Department as time allows.

§ 25-3. Escort procedure.

Businesses requesting escort service shall provide their own transportation to the bank. A police vehicle shall follow the requestor vehicle being escorted.

§ 25-4. Individuals eligible for bank escort.

Bank escorts will be provided to North Londonderry individuals, partnerships, associations or corporations residing or operating in North Londonderry Township only.

§ 25-5. Banks served by escort.

Bank escorts shall be made to banks in North Londonderry Township and Palmyra Borough only.

§ 25-6. Escort beyond Township boundaries.

If escorts are requested to banks beyond the boundaries of the above municipalities, then escort service will be provided to the Township boundary line. The requestor shall be responsible for arranging for other escort from that location.

ARTICLE II
Pension Plan
[Adopted 12-18-2006 by Ord. No. 144 (Ch. 25, Art. II, of the 1991 Code)]

§ 25-7. Amendment and restatement of plan.

The previous ordinances or resolutions relating to the North Londonderry Township Police Retirement Plan with an effective date prior to the adoption date of the amendment and restatement of the plan are hereby repealed with respect to benefits accruing on or after the amendment and restatement effective date, and the attached amendment and restatement of the plan is enacted.¹ The North Londonderry Township Manager is hereby appointed as the Chief Administrative Officer of the plan. Any appropriate corporate officer of North Londonderry Township, as the agent of the employer, is authorized and directed to execute the attached amendment and restatement of the plan.

§ 25-8. Survivor benefit. [Added 6-20-2011 by Ord. No. 161]

North Londonderry Township previously established the North Londonderry Township Police Retirement Plan (the Plan). Pursuant to Section 9.2 of the Plan, an amendment is hereby approved to clarify the survivor death benefit provided by the Plan by entering into an amendment which is adopted by reference with the same effect as if it had been set forth verbatim herein. A copy of the amendment shall be filed with the official records of North Londonderry Township. All other provisions of the Plan shall remain in full force and effect.

1. Editor's Note: The current plan is on file in the Township offices.

Chapter 33

RETIREMENT BENEFITS

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Police Pension Plan — See Ch. 25, Art. II.

Salaries and compensation — See Ch. 37.

ARTICLE I

Nonuniformed Employees

[Adopted 12-18-2006 by Ord. No. 143 (Ch. 33, Art. I, of the 1991 Code)]

§ 33-1. Amendment and restatement of plan.

The previous ordinances or resolutions relating to the North Londonderry Township Nonuniformed Pension Plan with an effective date prior to the adoption date of the amendment and restatement of the plan are hereby repealed with respect to benefits accruing on or after the amendment and restatement effective date, and the attached amendment and restatement of the plan is enacted.¹ The North Londonderry Township Manager is hereby appointed as the Chief Administrative Officer of the plan. Any appropriate corporate officer of North Londonderry Township, as the agent of the employer, is authorized and directed to execute the attached amendment and restatement of the Plan.

§ 33-2. Plan for employees hired after August 1, 2015. [Added 11-16-2015 by Ord. No. 178; amended 1-25-2016 by Ord. No. 179]

- A. Establishment. This section establishes a retirement plan for nonuniform employees of North Londonderry Township for nonuniform employees hired after August 1, 2015, pursuant to the Plan Document of North Londonderry Township Nonuniform Retirement Plan.²
- B. Details. This section sets forth the details of the money purchase retirement plan provisions for full-time nonuniform employees of North Londonderry Township hired after August 1, 2015, pursuant to the provisions of Exhibit A, and updates the Internal Revenue Code provisions as set forth in Exhibit A.³
- C. Savings provision. In the event that any provisions, section, sentence, clause or part of this retirement plan shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of the retirement plan, it being the

1. Editor's Note: The current plan is on file in the Township offices.

2. Editor's Note: The current plan document is on file in the Township offices.

3. Editor's Note: Exhibit A is on file in the Township offices.

intent of North Londonderry Township that such remainder shall remain in full force and effect.

- D. Authorized signature. The Chairman or Vice Chairman and Secretary or Assistant Secretary of the North Londonderry Township Board of Supervisors are hereby authorized and directed to execute the plan documents.

Chapter 37

SALARIES AND COMPENSATION

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Manager — See Ch. 18.

Retirement benefits — See Ch. 33.

ARTICLE I

Board of Supervisors

[Adopted 12-10-1985 by Ord. No. 62; amended in its entirety 11-12-1991 by Ord. No. 86 (Ch. 37, Art. I, of the 1991 Code)]

§ 37-1. Compensation established. [Amended 7-9-1996 by Ord. No. 109]

The compensation of members of the Board of Supervisors of North Londonderry Township shall be two thousand five hundred dollars (\$2,500) annually.

§ 37-2. Frequency of payment.

The compensation shall be payable monthly.

§ 37-3. Population.

North Londonderry Township has a population of between five thousand (5,000) and nine thousand nine hundred ninety-nine (9,999) at the time of amendment of this article.

Chapter 45

ANIMAL WASTE REMOVAL

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 3-16-2020 by Ord. No. 194¹. Amendments noted where applicable.]

§ 45-1. Responsibility of owner.

The owner or custodian of any animal shall remove immediately any feces deposited by his/her animal on any public street or street right-of-way, including the sidewalk and any other part of the street right-of-way, such as the grass boulevard between the street and the private property line; or any publicly owned property. The feces deposited by an animal on any property other than that of the owner or custodian of the animal shall be collected by the owner or custodian in a sanitary fashion and returned to his/her property for proper sanitary disposal.

§ 45-2. Violations and penalties.

Any person violating any provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine to the Township of North Londonderry of not more than three hundred dollars (\$300) and court costs.

¹. Editor's Note: This ordinance was adopted as Ch. 72 but was renumbered in order to maintain the alphabetical organization of the Code.

Chapter 50

BRUSH, GRASS AND WEEDS

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 6-14-1977 by Ord. No. 30; amended in its entirety 12-14-1993 by Ord. No. 98 (Ch. 51 of the 1991 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Outdoor burning – See Ch. 59.

§ 50-1. Definitions.

The following words, as used in this chapter, shall have the meanings hereby respectively ascribed thereto:

AGRICULTURE — The cultivation of the soil for food, animal feed or other marketable product.

ANIMAL HUSBANDRY — The practice of raising, keeping or breeding livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land or from receiving their feed at centralized feeding stations.

GRASS — Herbage suitable or used for grazing animals, including mostly herbaceous plants with jointed stems.

PERSON — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of specific rights and duties.

WEEDS — Any Canadian or Russian thistle, chicory, burdock, nettle, poison ivy, sumac, goldenrod, wild lettuce, wild mustard, wild parsley, ragweed, milkweed, multiflora rose and Johnson grass and any other weeds added hereafter to the noxious weeds list by the Noxious Weed and Control Committee pursuant to Act 74 of 1982, H.B. 1429, adopted April 7, 1982, effective June 6, 1982.¹

§ 50-2. Height limitation. [Amended 12-20-2021 by Ord. No. 198]

Every person owning or occupying any property which is not used for agriculture or animal husbandry within North Londonderry Township, where any weeds and/or grass in excess of ten (10) inches in height shall grow or are likely to ripen to seed, shall cut or remove such weeds and/or grass or cause the same to be cut or removed.

1. Editor's Note: See 3 P.S. § 255.1 et seq.

§ 50-3. Uncut weeds and/or grass to be considered nuisance.

Weeds and/or grass, as defined in this chapter, growing to a height in excess of ten (10) inches and which is not cut or removed in accordance with the provisions of this chapter is hereby declared to be a public nuisance and harmful to the health and welfare of the citizens and residents of North Londonderry Township.

§ 50-4. Notice to remove. [Amended 6-20-2011 by Ord. No. 161]

The Board of Supervisors through the North Londonderry Township Police Department, or any other authorized Township agent or employee, shall give written notice, by personal service or by regular mail to the last known address of said owner or occupant, to the owner or occupant of any property whereon weeds and/or grass is growing or remaining in violation of the provisions of this chapter, directing and requiring such owner or occupant to cut or remove all such weeds and/or grass within five (5) days after receipt of such notice by personal service or regular mail.

§ 50-5. Removal by Township; costs of removal.

If any person shall neglect, fail or refuse to cut and destroy such weeds and/or grass at the end of five (5) days, or in the event that the notice sent by certified mail addressed to the last known address of such owner or occupant is undelivered, within fifteen (15) days of the date of mailing of the same, the Board of Supervisors may enter upon such premises with such other person or persons as may be employed and cut down and destroy such weeds and/or grass, and said persons so employed shall be entitled to recover from said owner or occupant compensation for necessary man labor, hours of labor and machinery, at the same rate paid by North Londonderry Township for similar work on the roads.

§ 50-6. Violations and penalties.

- A. This chapter 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. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense. [Amended 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]
- B. After such time where it is necessary to send a second certified letter to the same person for the same property in the same calendar year, the second letter shall state that no further notice will be sent, and the landowner shall maintain the weeds in a timely manner and comply with any of the provisions of this chapter or be subject to the penalties of § 50-6A.

Chapter 55

BUILDING CONSTRUCTION

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Uniform Construction Code

[Adopted 6-21-2004 by Ord. No. 131 (Ch. 53, Art. I, of the 1991 Code)]

§ 55-1. Title.

This article shall be known and may be cited as the "North Londonderry Township Construction Code Ordinance," and may be referred to herein as "the code," and hereby amends the applicable Code of Ordinances of the Municipality.

§ 55-2. Intent.

The purpose of this article is to promote the general health, safety and welfare of the residents of North Londonderry Township, to conform to the requirements of the Pennsylvania Uniform Construction Code Act, to comply with the regulations issued by the Pennsylvania Department of Labor and Industry within the Pennsylvania Uniform Construction Code (UCC), including all standards, codes and other information incorporated herein, and to adopt administrative and enforcement regulations.

§ 55-3. Adoption of Pennsylvania Uniform Construction Code.

North Londonderry Township (hereinafter sometimes referred to as municipality) hereby adopts and incorporates by reference the Pennsylvania Uniform Construction Code, as contained in 34 PA. Code, Chapters 401 through 405 and amendments thereto, and declares this to be the North Londonderry Township Construction Code Ordinance, referred to herein as "the code."

§ 55-4. Scope.

The code and regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all buildings and structures and shall apply to existing or proposed structures, unless exempted by the Pennsylvania Uniform Construction Code (UCC). All other ordinances of the municipality which are more stringent shall apply. It shall be the joint responsibility of the owner, lessee, if any, and the contractor to obtain the required code permit before performing any work.

§ 55-5. Administration and enforcement.

In accordance with and in addition to the administrative provisions of the Pennsylvania Construction Code Act 45 of 1999, the Pennsylvania Uniform Construction Code (UCC) and the

Pennsylvania Department of Labor and Industry Regulations, the following administrative and enforcement requirements shall be part of the code:

A. Administration.

- (1) The administration and enforcement of the code and Pennsylvania Department of Labor and Industry Regulations is hereby delegated to the County of Lebanon by virtue of a separate contract authorizing the Building Code Official of the Lebanon County Planning Department to administer and enforce the code on behalf of the municipality. For purposes of this article, the term "Building Code Official" shall include all employees and contracted agents of the Lebanon County Planning Department who are Building Code Officials, Code Administrators, Construction Code Officials, Current Code Administrators or individuals similarly licensed and/or certified by the State of Pennsylvania to perform code work.
- (2) The Building Code Official shall have all the powers and duties set forth in the Pennsylvania Uniform Construction Code (UCC), this article, the contract with the County of Lebanon and the Pennsylvania Department of Labor and Industry Regulations. Specifically, in addition to such other powers and duties provided, the Building Code Official shall be authorized to receive code permit applications; issue or deny code permits; collect fees for permits, plan reviews and inspections; make inspections and require such work to be performed as may be necessary to carry out the provisions of the code; issue certificates of occupancy; and enter buildings and premises within normal business hours or at other times with permission of the owner or contractor. Additionally, the Building Code Official may perform code enforcement activities, including, but not limited to, issuance of notices of violation, stop-work orders, vacate orders or other legal action necessary to enforce, restrain, abate or correct violations of the code.
- (3) The application for a code permit shall be on forms provided by the Building Code Official. At the time of code permit application and prior to issuance of a code permit, the applicant shall submit to the Building Code Official two (2) sets of construction documents with plans and specifications, all required fees and a copy of any required zoning permit. No code permit application shall be deemed complete without the required construction plans, fees, zoning permit copy and other required approvals. Additionally, the applicant shall pay all outstanding permit and inspection fees required during the course of construction prior to the issuance of a certificate of use and occupancy.
- (4) The application, plan review, permit and inspections fees shall be paid by each applicant in accordance with the fee schedule established by resolution of this municipality and maintained by the Building Code Official.
- (5) The joint Lebanon County Code Appeals Board is hereby created as the Board of Appeals for the code of this municipality. Membership, operation and decision making of the Appeals Board shall be in accordance with the applicable municipal resolutions, agreements and contracts and shall be in conformity with the applicable law. Appeals shall be filed in writing, within twenty (20) days of the determination by the Building Code Official that is being appealed. If a hearing is not requested within

the twenty (20) days, the decision shall be made by the Appeals Board based upon the evidence, plans and information presented.

B. Violations and penalties.

- (1) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any building, structure or equipment regulated by this code, or to permit or cause same to be done, in conflict with or in violation of this code, and in violation of the regulations adopted hereunder.
- (2) The Building Code Official may serve and enforce a notice of violation, stop-work order, vacate order or other lawful enforcement notice on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupy a building, structure or equipment in violation of the provisions of this code or any permit issued under the provisions of this code.
- (3) If the Building Code Official has served a notice of violation and the notice of violation is not complied with by the deadline prescribed, summary enforcement proceedings may be initiated by the Building Code Official against the violator. Additionally, appropriate proceedings at law or in equity may be instituted by this municipality and/or the Building Code Official to restrain, correct or abate a violation, to prevent unlawful construction or to prevent illegal occupancy of a building, structure or premises.
- (4) Any person who shall violate a provision of this code or the regulations adopted hereunder or who shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, extend, repair, remove, demolish, use or occupy, or permit the use or occupancy of, any building, structure or equipment regulated by this code in violation of the provisions of this code or of an approved plan or of a directive of the Building Code Official or of a permit or certificate issued under the provision of this code or who shall permit the use, occupancy, erection, construction, alteration, extension, removal, demolition or repair of the building, structure or equipment in violation thereof shall, upon being found guilty in a summary enforcement proceeding commenced by this municipality or its appointed Building Code Official, pay a penalty of not less than four hundred (\$400) dollars and not more than one thousand (\$1,000.00) dollars for each violation, plus all costs of prosecution, which fines or penalties may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each section of the code which is violated shall be deemed a separate offense. The Building Code Official may request the Police Department to make arrests for any offense against the code or orders of the Building Code Official affecting the immediate safety of the public.

ARTICLE II

Floodproofing Building Code

[Adopted 9-21-1999 by Ord. No. 119 (Ch. 53, Art. III, of the 1991 Code)]

§ 55-6. Purpose.

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to construction, development and substantial improvements

occurring in any designated floodplain districts.

§ 55-7. Basements and first floors.

A. Basements and lowest floors.

- (1) All new construction and substantial improvements of residential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the base flood elevation.
- (2) All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the base flood elevation; or, together with attendant utility and sanitary facilities, be floodproofed to an elevation of two (2) feet above the base flood elevation in accordance with Subsection B of this section.
- (3) Enclosed space below the lowest floor (including basement), which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. For structures to be floodproofed to an elevation at or above two (2) feet above the base flood elevation (nonresidential structures only):

- (1) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- (2) A determination of elevations of existing ground, proposed finished ground, lowest floor and floodproofing limits, certified by a registered professional engineer, surveyor or architect.
- (3) A certificate prepared by the registered professional engineer or architect who prepared the plans in Subsection B(1) above that the structure in question, together with attendant utility and sanitary facilities, is designed so that:
 - (a) Below an elevation of two (2) feet above the base flood elevation the structure is watertight, with walls substantially impermeable to the passage of water.

- (b) The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the base flood.

§ 55-8. Fill.

- A. Filling or the dumping of fill material is prohibited in designated floodplain areas on vacant lots or on land not scheduled for approved construction activities.
- B. Fill shall only be used to raise the finished surface of the lowest floor to an elevation of two (2) feet above the base flood, and the following conditions shall be met:
 - (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for the intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of 25% of the perimeter of a nonresidential structure.
 - (2) Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (3) Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - (4) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer.
 - (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
 - (6) Use of fill shall be permitted only when the property owner or applicant provides a document acceptable to the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.

§ 55-9. Placement of buildings and structures.

- A. All buildings and structures, including manufactured homes, shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- B. The following shall not be placed or caused to be placed in any of the designated floodplain districts: fences, except two-wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of floodwaters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.

§ 55-10. Placement of recreational vehicles.

Recreational vehicles to be placed within any floodplain area shall either: be on the site for fewer than one hundred eighty (180) consecutive days and fully licensed and ready for highway use or meet the provisions of § 55-12 of this article. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanent foundation or attached additions.

§ 55-11. Anchoring.

- A. All buildings, manufactured homes and/or substantial improvements thereto and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- B. All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to prevent flotation, collapse or lateral movement.

§ 55-12. Special anchoring and site requirements for manufactured homes.

Where permitted, all manufactured homes and/or substantial improvements thereto to be located in any designated floodplain district shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors as well as additional precautions in the following manner:

- A. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and with manufactured homes less than fifty (50) feet long requiring one additional tie per side.
- B. Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points for manufactured homes fifty (50) feet or more in length and with manufactured homes less than fifty (50) feet long requiring four additional ties per side.
- C. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- D. Any manufactured home which is substantially improved shall be similarly anchored.
- E. Where permitted, all individual manufactured homes and substantial improvements thereto, new manufactured home parks and manufactured home subdivisions, expansions to existing manufactured home parks and manufactured home subdivisions, existing manufactured home parks and manufactured home subdivisions shall be located and/or designed so that:
 - (1) Manufactured homes and/or substantial improvements thereto are placed on permanent foundations.
 - (2) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home and/or substantial improvement thereto will be at or above an

elevation of at least two (2) feet above the base flood elevation.

- (3) Adequate surface drainage and access for a hauler are provided.
- F. Manufactured homes and/or substantial improvements thereto which are elevated by piers or pilings shall be:
 - (1) Placed on lots large enough to permit steps;
 - (2) Placed in stable soils on piling foundations no more than ten (10) feet apart; and
 - (3) Said pilings shall be adequately reinforced if they extend more than six (6) feet above ground level.
- G. An evacuation plan indicating alternate vehicular access and escape routes for manufactured home parks and manufactured home subdivisions shall be filed with the appropriate local officials where appropriate.
- H. Manufactured homes shall not be placed in the Floodway or Approximated (or General) Floodplain Districts, except in existing manufactured home parks and existing manufactured home subdivisions.

§ 55-13. Floors, walls and ceilings.

- A. Wood flooring used at or below the lowest floor level 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 used at or below the lowest floor level shall be of an exterior or marine grade and of a water-resistant or waterproof variety.
- C. Basement ceilings in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.
- D. Window frames, door frames and door jambs used at or below the lowest floor level shall be made of metal.

§ 55-14. Electrical systems.

- A. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems and other critical electrical installation shall be permitted only at elevations of two (2) feet or more above the base flood elevation.
- B. No electrical distribution panels shall be allowed at an elevation of less than two (2) feet above the level of the base flood elevation.
- C. Separate electrical circuits shall serve lower levels and shall be dropped from above.

§ 55-15. Plumbing.

- A. Water heaters, furnaces and other critical mechanical installations shall be permitted only at elevations of two (2) feet or more above the base flood elevation.

- B. No part of any on-site sewage disposal system shall be constructed within any floodplain district.
- C. All new or replacement water supply systems and/or sanitary sewage systems shall be designed and located to preclude infiltration of floodwaters into the system and discharges from the system into floodwaters.
- D. All gas and oil supply systems shall be designed to preclude the infiltration of floodwaters into the system and discharges from the systems into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- E. On-site waste disposal and/or storage systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 55-16. Paints and adhesives.

- A. Adhesive used at or below the lowest floor level shall have a bonding strength that is unaffected by inundation.
- B. Doors and all wood trim at or below the lowest floor level shall be sealed with a waterproof paint or similar product.
- C. Paints or other finishes used at or below the lowest floor level shall be capable of surviving inundation.

§ 55-17. Storage.

No materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, shall be stored below an elevation two (2) feet above the base flood elevation.

§ 55-18. Zoning Officer to supply information.

To ensure that the aforementioned flood damage controls are being employed in all new construction, development, substantial improvements and placement or relocation of any structure (including manufactured homes) within any floodplain district, the Zoning Officer shall provide the applicant with information concerning the location of the Floodway, Flood Fringe and Approximated (or General) Floodplain District boundary relative to his proposed construction and the water surface elevation of the base flood at the proposed construction site.

§ 55-19. Plan to be included with permit application; requirements.

To ensure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Zoning Officer shall require the following additional information to be included as a part of an application for a building permit:

- A. A plan which accurately locates the proposed construction and/or development with respect to the floodplain area boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage; and
 - (2) All public utilities and facilities, such as sewer, water, gas, telephone, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazard.
- B. Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Zoning Officer based upon site conditions) and elevations of the ground, base flood elevations, structure elevation, lowest floor elevation, size of the structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations and erosion control measures, and the Zoning Officer may require more detailed contour and elevation data.
- C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure and that the plans for the development of the site adhere to the restrictions cited in this article, the municipality's zoning and subdivision and land development regulations¹ and any other applicable ordinances.
- D. Prior to issuance of any building permit, the applicant shall submit to the Zoning Officer copies of all other required state and federal permits, including, but not limited to, the following permits when applicable: floodway, wetland, surface mining, water quality, earth disturbance, sewage or state Fire Marshal. Copies of all required permits shall be maintained by the Zoning Officer as a part of the building permit file.

§ 55-20. Review of application by others.

- A. The Zoning Officer may require a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate agencies and/or individuals (e.g., County Conservation District, Planning Commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Zoning Officer shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a building and zoning permit.
- B. All other necessary governmental permits, such as those required by state and federal law, shall be presented for review upon permit application.

§ 55-21. Definitions.

1. Editor's Note: See Ch. 150, Zoning, and Ch. 130, Subdivision and Land Development.

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

BASE FLOOD — The flood, also known as the one-hundred (100) year flood, which has a one-percent (1%) chance of being equaled or exceeded in any given year; the flood which has been selected to serve as the basis upon which the floodplain management provisions of this article and other ordinances have been prepared.

BASE FLOOD ELEVATION — The determination by the Federal Insurance Administrator of the water surface elevation of the base flood, that is, the flood level that has a one-percent (1%) or greater chance of occurrence in any given year.

BASEMENT — Any area of a building having its floor subgrade on all sides.

CONSTRUCTION — Includes the building, reconstruction, extension, expansion, alteration, substantial improvements, erection or relocation of a building or structure, including manufactured homes and gas or liquid storage tanks. For floodplain purposes, "new construction" includes structures for which the start of construction commenced on or after the effective date of the adoption of these floodplain management regulations.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, manufactured homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials.

FLOOD — A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN DISTRICT — The zoning district that establishes the bounds of the base flood as identified by the Federal Insurance Administrator in the Official Flood Insurance Study so that necessary floodplain management control measures can be instituted in flood-prone areas. This district has been divided into four possible sub districts: the Floodway District, Flood Fringe District, the Approximated (or General) Floodplain District and the Special Floodplain District.

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.

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 and incidental storage, in an area other than a basement area, is not considered the lowest floor of a building, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this article.

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 connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes all mobile homes and camping trailers, recreational vehicles, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK/SUBDIVISION — A lot or area which is a planned

development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a "manufactured home subdivision."

ONE-HUNDRED-YEAR FLOOD (BASE FLOOD) — A flood, selected as the base flood, that has a one-percent (1%) chance of being equaled or exceeded in any given year.

RECREATIONAL VEHICLE — A vehicular-type of structure which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; self-propelled or mounted on or drawn by another vehicle; and primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term "recreational vehicle" includes, but is not limited to, travel trailers, camping trailers, truck campers and self-propelled motor homes.

STRUCTURE — A walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home or any other man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

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 — Any repair, reconstruction, major alteration or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structures either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this article, "substantial improvement" is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to correct any existing violation of state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure."

§ 55-22. Administration and enforcement.

The Lebanon County Planning Department is authorized to administer the provisions of this chapter providing for the control of damage caused by flood and providing for certain minimum standards in the construction of structures within a flood control area and for the administration of the same and providing penalties for the violation thereof as herein provided, and to enforce the provisions of this article on behalf of the Lebanon County Commissioners and North Londonderry Township. With the approval of the governing body, the Lebanon County Planning Department may, in addition to other remedies provided herein, institute, in the name of Lebanon County and/or North Londonderry Township, any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct or use constituting a violation of this article.

§ 55-23. Violations and penalties.

Any person, partnership or corporation who or which shall violate the provisions of this article shall, upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than six hundred dollars (\$600). Each day that a violation is continued shall constitute a separate offense.

§ 55-24. Appeals.

Any applicant aggrieved by any action of the Lebanon County Planning Department or Zoning Officer or other administrator under this article who refuses to approve a permit application shall have the right, within thirty (30) days after such refusal received in writing, to appeal to the Court of Common Pleas of Lebanon County.

Chapter 59

BURNING, OUTDOOR

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds – See Ch. 50.

ARTICLE I

Outdoor Fires

[Adopted 12-20-2004 by Ord. No. 135 (Ch. 54, Art. I, of the 1991 Code)]

§ 59-1. Prohibited acts.

No person, either directly or indirectly, shall ignite, kindle or maintain any bonfire or other fire or authorize or permit such fire to be ignited, kindled or maintained on any public or private street, avenue, road, or public or private land within North Londonderry Township. The burning of building materials, garbage, leaf waste, yard waste, and all recyclables as listed by resolution shall be prohibited.

§ 59-2. Exceptions to burning permitted in all districts.

- A. Any fire or incineration maintained wholly within the confines of a permanent structure intended for the habitation of human beings.
- B. Recreational fires (defined as a campfire or cooking fire located at a single-family residence for the purpose of recreation and personal enjoyment). Recreational fires shall be maintained in an approved burning appliance, including, but not limited to devices such as outdoor grills, chimineas, outdoor barbecue pits, outdoor fireplaces, and portable fire pits. Recreational fires shall use wood or charcoal as a fuel; the burning of garbage or other debris is prohibited.
- C. In the R-1 Zoning District, domestic refuse, being defined as waste which is generated from normal occupancy of a structure occupied solely as a dwelling by two (2) families or fewer. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

§ 59-3. Exceptions to burning permitted subject to conditions.

- A. Any fire maintained on property used exclusively for agricultural purposes. (An "agricultural fire" consists of the burning of brush, tree remains, stumps, grass, weeds, and the dried remains of plants formerly growing upon the soil). The material to be burned must be wholly generated within the farm. Acceptance of material from outside sources or

other properties is expressly prohibited.

- B. Any fire maintained for the sole purpose of clearing and grubbing of land. "Grubbing and clearing of land" is defined as the removal of trees, shrubs, and other woody plants (including the roots, stems, trunks, and foliage) in order to clear the land for planting, development, or other use.
- C. Any controlled fire set by a bona fide fire company for the purpose of instructing personnel in fire fighting.
- D. Bonfires for recreational purposes on those properties clearly designated as recreational use areas (including, but not limited to, church camps, Boy or Girl Scout camps, public campgrounds, and private, seasonal recreational use areas such as summer cabins).

§ 59-4. Conditions applying to § 59-3.

- A. All fires shall be attended at all times by a competent adult person. Unattended fires shall be extinguished or burned out and not allowed to smolder whereby smoke becomes offensive or hazardous to neighboring residents.
- B. Fires shall be set, started or maintained between the hours of sunrise and sunset (except in the case of bona fide recreational campfires and bonfires). [Amended 12-20-2021 by Ord. No. 198]
- C. No fires shall be set on Sundays or national holidays (except in the case of bona fide recreational campfires).
- D. No fires shall be set, started or maintained without prior notification to the Lebanon County Emergency Management Agency (except in the case of bona fide recreational campfires). [Amended 6-20-2011 by Ord. No. 161]
- E. Prior to conducting a controlled burn for training purposes, the fire company shall submit an application for open burning exception to the Department of Environmental Protection.
- F. Prior to burning material as a result of the grubbing/clearing of land, the property owner shall notify the Bureau of Air Quality of the Department of Environmental Protection.
- G. No fire shall be set when weather and/or atmospheric conditions, such as wind, fog, or other physical conditions, make such fires hazardous to human life and/or property.

§ 59-5. Violations and penalties.

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm, partnership or corporation who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE II
Outdoor Fuel-Burning Appliances
[Adopted 12-15-2008 by Ord. No. 150 (Ch. 54, Art. II of the 1991 Code)]

§ 59-6. Purpose.

- A. The residences, industrial and commercial establishments that are situated within North Londonderry Township are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and the storage of combustible solid fuels in adjacent or exposed exterior areas within densely populated areas.
- B. These regulations shall provide for the installation of exterior furnaces or exterior burning devices, the primary purpose of which is to convert solid combustible fuel into a heat or energy source for interior spaces.

§ 59-7. Definitions.

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

OUTDOOR FUEL-BURNING APPLIANCE — Any device, including a furnace, outdoor wood boiler, stove or boiler, designed and constructed to burn solid fuels, including wood, coal or other solid fuels manufactured for placement outdoors to provide the heat or energy source of another structure. An outdoor fuel-burning appliance utilizing a heat pump or one which uses solar energy, electric, oil, propane, gas or natural gas shall not be included in this definition and the same are exempt from the prohibitions provided for in this article.

§ 59-8. Prohibitions.

- A. All outdoor fuel-burning appliances shall be located on properties containing two (2) acres (87,120 square feet) or more and not less than twenty (20) feet from the nearest adjoining property lines.
- B. No outdoor fuel-burning appliance will be permitted to burn any materials other than those fuels approved by the manufacturer of the outdoor fuel-burning appliance. Burning of tires, plastics, polyethylene and garbage is strictly prohibited.
- C. All outdoor fuel-burning appliances shall have a flue or chimney with a minimum termination height of fifteen (15) feet above the natural ground level upon which the outdoor fuel-burning appliance is located.
- D. A building permit shall be required prior to the installation of an outdoor fuel-burning appliance. Prior to issuance of a building permit, the applicant shall provide the manufacturer's installation manuals. Any permit issued may be suspended if necessary to protect the public health, safety, welfare and well-being of residents of North Londonderry Township.
- E. All outdoor fuel-burning appliances installed after the effective date of this article and prior to being placed into service for use shall be inspected by the Township's Building Code Enforcement Officer for the purpose of issuing a permit allowing operation of said outdoor fuel-burning appliance. Installation shall comply with manufacturer's specifications.

- F. Operation of said outdoor fuel-burning appliances may be suspended at any time by the Board of Supervisors or its agent if necessary to protect the public health, safety, welfare and well-being of residents of North Londonderry Township.

§ 59-9. Violations and penalties.

Any person, firm, corporation, or other entity who shall violate or shall fail to comply with any of the provisions of this article or any rules and regulations promulgated pursuant hereto shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) together with the costs of prosecution, and, in default of payment of the fine or penalty imposed and the costs, to imprisonment in the county jail for a period not exceeding thirty (30) days, provided that each day's continuance of a violation or failure to comply with any provisions of this article or any rules or regulations promulgated pursuant hereto shall constitute a separate offense.

§ 59-10. Grandfather clause.

- A. This article shall not be construed to be retroactive and shall not require the removal of any outdoor fuel-burning appliance in existence within the North Londonderry Township as of the effective date of this article. All outdoor fuel-burning appliances in existence as of the effective date of this article shall have or must erect a flue or chimney which has a minimum termination height of fifteen (15) feet above the natural ground level upon which the appliance is located. Further, all such existing systems may be replaced and/or repaired if necessary.
- B. "Existing" or "in existence" means that the outdoor fuel-burning appliance is on the site, in place and operating, or can be operated at the time this article becomes effective.

Chapter 65

CURFEW

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 12-14-1993 by Ord. No. 97 (Ch. 55 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 96.

§ 65-1. Short title.

This chapter shall be known and may be cited as the "Curfew Ordinance".

§ 65-2. Definitions.

The following words or phrases, when used in this chapter, shall have the following definitions:

MINOR — Any person under the age of eighteen (18), or in equivalent phrasing often herein employed, any person seventeen (17) years or less years of age.

PARENT — Any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis of or as a person to whom legal custody has been given by order of court.

STREET — A way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk thereof, for pedestrian travel. The term "street" includes the legal right-of-way, including but not limited to the cartway of traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

TOWNSHIP — The governmental jurisdiction and legal entity of North Londonderry Township, Lebanon County, Pennsylvania.

§ 65-3. Curfew for minors.

It shall be unlawful for any person seventeen (17) or less years of age [under eighteen (18) years of age] to be or remain in or upon the streets within North Londonderry Township at night during the prevailing time period beginning at 11:30 p.m. and ending at 6:00 a.m.

§ 65-4. Exceptions.

In the following exceptional cases, a minor on a Township street during the hours which § 65-3 specifies, to provide the maximum limits of regulation, shall not be considered in violation of the Curfew Chapter:

A. When accompanied by a parent of such minor or an adult authorized by a parent of such

minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

- B. In case of reasonable necessity, but only after such minor's parent has communicated to North Londonderry Township Police personnel the facts establishing such reasonable necessity, relating to specified streets at a designated time for a described purpose, including points of origin and destination. A copy of such communication with an appropriate notation of the time it was received, and the names and address of such parent and minor, shall be admissible evidence.
- C. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of any abutting contiguous property, when the owner of such property is not communicating an objection to the police officer.
- D. When 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.
- E. When the minor carries a certified card of employment, signed by his or her employer, which briefly identifies the minor, the minor's place of employment, the minor's home address and the hours of employment.

§ 65-5. Parental responsibility.

It shall be unlawful for a parent having legal custody of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any Township street under circumstances not constituting an exception to, or otherwise beyond the scope of, the Curfew Chapter. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

§ 65-6. Police procedures.

- A. A police officer of North Londonderry Township, upon finding or having attention called to any minor on the streets in prima facie violation of the Curfew Chapter, normally shall take the minor to the Township police station, where a parent shall immediately be notified to come for such minor, whereupon the parent and/or parents shall be interviewed.
- B. When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that, in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.
- C. In the case of the first violation by a minor, the Chief of Police shall send to a parent written notice of said violation with a warning that any subsequent violation may result in full enforcement of the Curfew Chapter, including enforcement of parental responsibility

and of applicable penalties. [Amended 6-20-2011 by Ord. No. 161]

§ 65-7. Violations and penalties.

- A. If after the warning notice pursuant to § 65-6 (Police procedures) of a first violation by a minor, a parent violates § 65-5 (Parental responsibility) in connection with a second violation by said minor, this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be fined twenty-five dollars (\$25), and for each subsequent offense by a parent, the fine shall be increased by an additional twenty-five dollars (\$25), e.g., fifty dollars (\$50) for the second and seventy-five dollars (\$75) for the third offense. The Magisterial District Judge, upon finding a parent in violation, shall require the parent to pay such fine and court costs. [Amended 6-11-1996 by Ord. No. 108]
- B. Any minor who shall violate any of the provisions of the Curfew Chapter more than three (3) times shall be reported by the Chief of Police to the appropriate juvenile authorities.
- C. A like procedure, before the juvenile authorities, shall be followed in any case where the imposing of a fine or fines upon a parent shall not be effective or where for any reason the provisions of the Curfew Chapter cannot be made effective by the imposing of penalties under this section.

Chapter 70

DOGS

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 10-14-1980 by Ord. No. 48 (Ch. 57 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation — See Ch. 90.

Peace and good order — See Ch. 96.

§ 70-1. Definitions.

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

DOGS — Includes all dogs. [Amended 1-2-2001 by Ord. No. 123]

OWNER — When applied to the proprietorship of a dog, includes every person having a right or property in such dog and every person who keeps or harbors such dog or has it in his care or custody, and every person who permits such dog to remain on or about any premises owned or acquired by him.

§ 70-2. Running at large unlawful.

It shall be the duty of the owner, custodian or keeper of any dog, and the duty of the parent or guardian of any minor owner of any dog, to keep the dog securely tied or penned in an enclosure in such a manner that the dog cannot break loose and run at large over the streets, alleys or public grounds in the Township of North Londonderry or upon the property of anyone other than the owner, custodian or keeper of such dog, unless accompanied by and under the immediate control of such owner, custodian or keeper.

§ 70-3. Dogs to be leashed.

It shall be the duty of the owner, custodian or keeper of any dog, while traveling on the streets, alleys or public grounds in the Township of North Londonderry, to have the dog on a leash at all times and to prevent the dog from entering upon the property of any person or persons in the Township of North Londonderry without the property owner's consent.

§ 70-4. Seizure and impoundment of dogs running at large; redemption.

Any police officer, constable or peace officer is hereby authorized to seize and impound any dog found running at large and unattended in the Township of North Londonderry and to convey it to the place designated by the Township Supervisors as a pound. Notice of such seizure shall be sent to the owner of such dog in the manner prescribed by law, and such dog may be redeemed by the owner thereof within the time specified by law, upon payment of the charges incurred by reason of such detention.

§ 70-5. Loud noise or disturbance unlawful.

No person shall allow any dog confined on that person's premises to make any loud or harsh noise or disturbance which will interfere with or deprive the peace, quiet, rest or sleep of any person within the neighborhood.

§ 70-6. Defiling property unlawful.

No person shall allow any dog owned by him or under his control to defile, befoul, corrupt or otherwise desecrate any sidewalk, walkway, street, public park or any other property of another within North Londonderry Township.

§ 70-7. Notice of impoundment; redemption; unclaimed dogs.

- A. Any dog, whether bearing a proper license tag or not, seized and detained under the provisions of this chapter shall be properly kept and fed, and immediate notice, either personal or by registered mail, shall be given by the officer to the owner of the dog, or his agent, directing the owner or agent to claim the dog in three (3) days.
- B. The owner of a licensed dog so detained shall pay all fines and costs imposed by this chapter for the violation thereof and also the expense of impounding and keeping the dog before the dog is returned. If, after three (3) days from the giving of such notice, the dog has not been claimed by its owner, the officer may remove the collar and tag dispose of the dog by sale or cause the same to be destroyed in some humane manner.

§ 70-8. Obstructing officers unlawful.

Any person who shall obstruct any officer or other person appointed under this chapter from carrying out the provisions of this chapter or who shall willfully or maliciously obstruct or molest the officer in the seizure or transportation of dogs in violation of this chapter shall be liable, upon conviction thereof, under the penalties provided in this chapter.

§ 70-9. Agreements with humane societies authorized.

The Supervisors are hereby authorized and empowered to enter into agreements, if not heretofore entered into, with any officially recognized humane society for the purpose of assisting in carrying out the intention of this chapter. Without limiting the scope of the preceding sentence, this shall be deemed to include finding homes for dogs which have been seized under the provisions of this chapter and assisting in their destruction according to law.

§ 70-10. Dog pound.

The Township may provide a suitable pen or pound within or without the Township limits for the keeping of such dogs as may be found running at large in violation of this chapter. The Supervisors are hereby authorized to appropriate and expend such funds as are deemed necessary for the maintenance of such pounds and the keeping of such dogs.

§ 70-11. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108]

Any person violating any of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine to the Township of North Londonderry of not more than six hundred dollars (\$600) and court costs.

Chapter 84

MUNICIPAL CLAIMS

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation — See Ch. 37.

ARTICLE I

Attorneys' Fees

[Adopted 6-21-2004 by Ord. No. 133 (Ch. 48 of the 1991 Code)]

§ 84-1. Applicability.

This chapter shall apply to all municipal claims, municipal liens, taxes, tax claims and tax liens allowed and authorized by law of the Commonwealth of Pennsylvania to be assessed by North Londonderry Township, including, but not limited to, liens for taxes and for municipal improvements, for the removal of nuisances, for water rents or rates, sewage rates, lighting rates and power rates to the fullest extent authorized by law (hereinafter referred to as "delinquent accounts"), whether heretofore or hereafter assessed or filed.

§ 84-2. Schedule of attorney's fees. [Amended 6-20-2011 by Ord. No. 161]

The following schedule of attorney's fees is to be utilized and followed in the assessment of attorney's fees in the collection of any delinquent account, and the corresponding fees shall be added to and included in the collection of the same at the time of the filing of the municipal claim, municipal liens, taxes, tax claims and tax liens by or for North Londonderry Township or as soon thereafter as may be convenient or proper at a rate to be agreed upon between North Londonderry Township and the attorney.

§ 84-3. Notice.

Prior to assessing or imposing attorney's fees in connection with a delinquent account, North Londonderry Township shall provide notice of the Township's intention to assess or impose attorney's fees in connection with this chapter as may be required by the Municipal Claims Act as amended or supplemented.

§ 84-4. Addition of interest.

In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this chapter, interest equal to ten percent (10%) per annum shall be assessed and accrued on the claim; provided, however, that if a municipal claim is filed arising out of a municipal project which required the Township to assess bonds to finance the project, interest shall accrue and be collectible on such claim at the rate of interest of the bond

issue or at the rate of twelve percent (12%) per annum, whichever is less. No notice prior to the assessment or imposition of interest as set forth herein shall be required. Such interest shall be added to the delinquent account and collected therewith.

§ 84-5. Assessment of penalty.

In all proceedings where a municipal claim, municipal lien, tax, tax claim and tax liens are filed as a lien against real property for delinquent accounts which are the subject of this chapter, a penalty equal to ten percent (10%) of the delinquent account shall be added to the municipal claim, municipal lien, tax, tax claims and tax liens when the delinquent account remains unpaid for thirty (30) days after the assessment shall have been levied or as soon thereafter as may be convenient or proper. No notice to the assessment or the imposition of penalty set forth herein shall be required.

Chapter 90

PARKS AND RECREATION

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 50.

Outdoor burning — See Ch. 59.

Dogs — See Ch. 70.

Subdivision and land development — See Ch. 130.

ARTICLE I

Public Dedication of Parks and Open Space

[Adopted 9-15-2008 by Ord. No. 147 (Ch. 65, Art. I, of the 1991 Code)]

§ 90-1. Dedication of land or payment of fee required.

Each subdivision and land development shall include the mandatory dedication of park and open space land or the payment of a fee in lieu thereof, consistent with the provisions of this article. The plan shall include notes which explain the calculation of the amount of land or the fee in lieu thereof, and the applicant's intention to offer same, or pay same, whichever may be appropriate, to the Township at the time of recording of the approved plan.

§ 90-2. Certification and dedication statement.

The owner's certification and dedication statement shall include mandatory dedication of park and open space land or the payment of a fee in lieu thereof consistent with and as required by this article.

§ 90-3. General requirements.

The land reserved and dedicated to the Township for park and open space usage shall be a single lot which shall comply with the requirements of this article, Chapter 150, Zoning, of the Code of the Township of North Londonderry, and the following specific requirements:

- A. The land, where feasible, must be a minimum of five (5) acres in size, unless the intended use is for a special use park or linear park development.
- B. The land, where feasible, shall be in such a location that additional adjacent land abutting two (2) or more boundary lines shall be undeveloped and available for purchase by the Township for expansion of the recreation area, and of such character (terrain, topography, physical features, etc.) that the adjacent land can reasonably be developed into a park or recreational land, which assessment and determination shall be made by the Township Supervisors.
- C. The land shall be easily and safely accessible for vehicles, pedestrians, and/or bicycles.

- D. A maximum of fifteen percent (15%) of the tract may consist of floodplain, wetland, steep slopes, utility easements or rights-of-way, or other features that otherwise render the lots undevelopable for its intended recreation use. The fifteen percent (15%) does not include greenway/linear development.
- E. The tract shall have accessibility to utilities, including water, sewer, and power, unless deemed unnecessary by the Township for the intended park facility development, such as a greenway/linear park development.
- F. The tract shall not contain stormwater facilities designed to detain or retain stormwater for the parent tract or another site.

§ 90-4. Amount of land to be dedicated.

Consistent with the standards of North Londonderry Township's Recreation, Park and Open Space Plan, the amount of park and open space land required to be dedicated shall equal at least fifteen (15) acres of park land per one thousand (1,000) residents, or twenty-five thousandths (0.025) acre of land per residential lot or equivalent dwelling unit shall be dedicated under this article.

§ 90-5. Fee in lieu of dedication.

- A. Where the Township Supervisors determine that, because of shape, location, access, topography, or other physical features of the land, it is impractical to dedicate land to the Township or set aside recreation area as required herein, the Township Supervisors shall require payment of a fee in lieu of such land which shall be payable to the Township prior to recording each final plan and shall be in an amount equal to the percentage of the total number of dwelling units for each phase.
- B. The developer may request that the Township not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of the land.
- C. The initial fee in lieu of land shall be set at two thousand dollars (\$2,000) per residential lot or equivalent dwelling unit. This fee may be adjusted from time to time by resolution of the Township Supervisors. The fees collected hereunder shall be utilized by the Township for recreational purposes and shall be administered in accordance with Section 503(11) of the Pennsylvania Municipalities Planning Code.¹
- D. A fee authorized under this section shall, upon its receipt by the Township, be deposited in an interest-bearing account. Interest earned on such an account shall become funds in that account. Funds from such account shall be identified as reserved for providing, acquiring, operating or maintaining park or recreational facilities and/or pay for recreational planning and planned development. Interest earned on such accounts shall become funds of that account. [Amended 5-18-2015 by Ord. No. 175]

§ 90-6. Alternatives to requirements.

1. Editor's Note: See 53 P.S. § 10503(11).

- A. Upon agreement by the developer, the Township may accept the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of land for recreational purposes, the dedication of land in other areas of the Township, or a combination of the above.
- B. If the developer proposes the private reservation of land, through either the inclusion of such land as common elements of a condominium or planned community as contained in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3103 et seq., or the Pennsylvania Uniform Planned Community Act, 68 Pa.C.S.A. § 5101 et seq., then such documentation shall be recorded and shall provide that the land cannot be further developed. Furthermore, the Township shall be granted the rights to maintain the land as set forth in Article VII of the Municipalities Planning Code² dealing with the maintenance of common open space in planned residential developments. Notwithstanding the foregoing, the developer may request that the Township Supervisors approve transfer of the land to an organization dedicated to the conservation of natural resources with deed restrictions preventing further development acceptable to the Township Solicitor.

§ 90-7. Agreement required.

The landowner shall enter into an agreement with the Township setting forth the fees to be paid, the facilities to be constructed, or the land to be privately reserved and the method of its maintenance. All such agreements shall be executed prior to final plan approval.

2. Editor's Note: See 53 P.S. § 10701 et seq.

Chapter 96

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds – See Ch. 50.
Outdoor burning – See Ch. 59.
Dogs – See Ch. 70.
Peddling and soliciting – See Ch. 100.
Vehicles and traffic – See Ch. 140.

ARTICLE I

Nuisances

[Adopted 1-12-1965 by Ord. No. 1 (Ch. 67, Art. I, of the 1991 Code)]

§ 96-1. Unlawful acts.

It shall be unlawful for any person or persons, firm or corporation to permit or commit any of the following, which are hereby declared to be nuisances and detrimental to the health, safety, comfort and well-being of the Township:

- A. To obstruct, loaf, loiter or stand upon any of the sidewalks or other public highways so as to interfere with the free and full passage of residents or travelers.
- B. To be guilty of a breach of peace, vagrancy or disorderly conduct, or to engage in fighting or to incite others to fight, to conduct or carry on any offensive manufacturing or business or to engage in any unlawful act tending to imperil the personal security or to endanger or injure property within the Township.
- C. To dump or otherwise deposit garbage and rubbish, or to permit the accumulation of garbage and rubbish on private property within the Township, and to store or permit the storage of abandoned junk, junked motor vehicles or other obnoxious materials on private or public property within the Township.
- D. To use loud, boisterous, profane, blasphemous or indecent or immoral language upon or near any of the public highways or public places or in a manner so as to annoy residents in the neighborhood, or to make any unseemly noise or disturbance to the annoyance of the residents nearby.
- E. To commit any act of lewdness or public indecency or exposure of person, or to become intoxicated.
- F. To carry any concealed deadly weapon unless authorized by law; to discharge any gun or firearm, excepting that the same is done while engaged in hunting or target shooting, and the latter shall not be done to the annoyance of any neighbors, and in defense of person or property. No one of the age of sixteen (16) years or younger shall possess or fire a BB gun

unless accompanied by an adult. [Amended 12-20-2021 by Ord. No. 198]

- G. To drive or cause to be driven, park or store any cart, wagon, truck or other vehicle containing garbage, earth, dung, filth, junk or rubbish of any kind, or which is used for such purposes, unless such cart, wagon, truck or other vehicle has a good and sufficient tailboard and body, tight and closed at the sides and bottom to prevent the contents from dropping from the vehicle, or to park such vehicle in or about any highway, street, road or alley near any property where the odors from the same may be annoying or offensive.
- H. To interfere with Township police officers, resist arrest or fail to render assistance to police officers when called upon; or to tamper with, destroy or otherwise interfere with any lights, guardrails, signs or other property or materials placed in public places by the Township or any of its officials.
- I. To fell, mutilate, injure or otherwise destroy wantonly any trees or shrubbery growing upon any private property or along the streets, alleys or highways of this Township; to destroy, injure or interfere with any public or private light, streetlight, awning, post, fence or railing within this Township; to destroy, injure or tear down wantonly any sign, door, doorbell or knocker, window, waterpipe, step, spouting, window shutter, fence, gate or other real property; to open or close, negligently or wantonly, any street sewer watercourse within the Township.
- J. To keep or maintain any nuisance or dangerous structure on private or public grounds and after notice to the owner to remove said dangerous structure or nuisance, and in his default, in addition to the penalties hereinafter prescribed, the owner shall pay for the costs of such removal.

§ 96-2. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This article 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. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE II

Disorderly Conduct Toward Police Officers

[Adopted 6-8-1982 by Ord. No. 53 (Ch. 67, Art. II, of the 1991 Code)]

§ 96-3. Unlawful acts.

A person is guilty of disorderly conduct towards a police officer if.

- A. By violent, tumultuous or obstreperous conduct or carriage, or by loud and unusual noises, or by abusive language, he or she disturbs any police officer in the discharge of his duty;
- B. Any person shall assault, strike or fight with any police officer in the discharge of his duty,

or knowingly permits such conduct in or about any house or premises in the Township of North Londonderry owned or possessed by him or under his management or control; or

- C. Any person shall interfere willfully with, resist, delay, obstruct, molest or threaten to molest any police officer in the exercise of his official duties.

§ 96-4. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This article 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. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE III

Loitering

[Adopted 8-20-2001 by Ord. No. 125 (Ch. 67, Art. III, of the 1991 Code)]

§ 96-5. Definitions.

As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LOITERING — Remaining idle essentially in one location; lingering; spending time idly; loafing or walking aimlessly in one vicinity or neighborhood; hanging around; or to stand around or remain or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this article. "Loiter" also means to collect, gather, congregate or be a member of a group or a crowd of two or more people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this chapter.

PUBLIC PLACE — Any place to which the general public has access and a right to resort for business, entertainment or some other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include any public street or public sidewalk, the front of an the area immediately adjacent to any school, parking lot, driveway, store, restaurant, tavern or other place of business, public grounds, areas or parks.

§ 96-6. Prohibited acts.

- A. No person shall loiter, saunter or continue to sit or stand in any street, public place, public building or any property not his/her own or under his/her control, so as to:
- (1) Obstruct or impede the free passage of any other person.
 - (2) Create or cause to be created any annoyance to any person or persons.
 - (3) Create or cause to be created a danger of a breach of the peace.

- (4) Obstruct, molest or interfere with any person lawfully in any public place as defined in § 96-5 of this article. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to or in whose hearing they are made.
- B. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a police or peace officer shall, prior to any arrest for an offense under this article, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police officer at the time, would have dispelled the alarm.

§ 96-7. Request to leave.

- A. When any person causes or commits any of the conditions enumerated in § 96-6 above, a police officer, in the exercise of reasonable judgment, may order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such an order shall be guilty of a violation of this section.
- B. Whenever the presence of any person in any public place is causing or likely to cause any of the conditions enumerated in § 96-6 of this article, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

§ 96-8. Violations and penalties.

This article 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. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

Chapter 100

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 5-8-1979 by Ord. No. 38 (Ch. 71 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 96.

§ 100-1. Definitions.

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

PEDDLER — Any person who shall engage in peddling, as hereinabove defined.

PEDDLING — Engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise upon any of the streets or sidewalks or from house within the Township. However, the word "peddling" shall not apply to:

- A. Farmers selling their own produce;
- B. The sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or
- C. Any manufacturer or producer in the sale of bread and bakery products, meat or meat products or milk and milk products. This does not include any subvendor of the manufacturer or producer. [Amended 12-14-1993 by Ord. No. 101; 6-20-2011 by Ord. No. 161]
- D. Any company which is approved to operate in North Londonderry Township, such as, but not limited to, waste/trash removal, shall not be required to secure a peddling/soliciting permit to make residents or businesses aware of their service(s) or product(s). [Added 6-20-2011 by Ord. No. 161]

PERSON — Any natural person, association, partnership, firm or corporation.

§ 100-2. License required. [Amended 12-14-1993 by Ord. No. 101]

No person shall engage in peddling in the Township without first having taken out a license from the Township Police Department at the North Londonderry Township Building.

§ 100-3. Application; license nontransferable. [Amended 11-12-1991 by Ord. No. 86; 12-14-1993 by Ord. No. 101]

Every person desiring to engage in peddling within the Township shall first make application to the Township Police Department for a license. Upon such application, such person shall give his or her name; address; previous criminal record, if any; the name of the person for whom he or she works, if any; the type of vehicle being used, if any; and the number of helpers the applicant

intends to use. Where a person makes application for him or herself and one (1) or more helpers, all applicable personal information as specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.

§ 100-4. License fees. [Amended 11-12-1991 by Ord. No. 86; 12-14-1993 by Ord. No. 101]

No license shall be issued under this chapter until the proper fees are paid to the Township Police Department. Fees, which are for the use of the Township, are as follows:

- A. Twenty-five dollars (\$25) for one (1) day.
- B. Fifty dollars (\$50) for one (1) year or fraction thereof.

§ 100-5. License issuance; exhibition; restrictions. [Amended 12-14-1993 by Ord. No. 101]

Upon making application therefor and paying the proper fee as herein specified, the Township shall have one (1) full working day prior to issuing a license. Such license shall contain the information given on the license application. Every peddler shall, at all times when engaged in peddling within the Township, carry such license upon his person and shall exhibit such license, upon request, to all police officers, Township officials and citizens. No peddler shall engage in selling any product not mentioned upon such license, nor shall any person having a foot peddler's license operate from or with any horse-drawn or motor vehicle.

§ 100-6. Prohibited hours and days of operation. [Amended 6-20-2011 by Ord. No. 161]

No person licensed as a peddler under this chapter shall engage in peddling of any kind on Sunday, or upon any other day of the week before 9:00 a.m. or after sunset.

§ 100-7. Loud noises unlawful.

No person licensed as a peddler under this chapter shall hawk or cry his wares upon any of the streets or sidewalks of the Township, nor shall be use any loudspeaker or horn or any other device for announcing his presence by which the public is annoyed.

§ 100-8. Parking; littering.

No person licensed as a peddler under this chapter shall park any vehicle upon any of the streets or alleys of the Township in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

§ 100-9. Fixed location unlawful.

No person licensed as a peddler under this chapter shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Township for the purpose of peddling, with or without any stand or counter.

§ 100-10. Suspension of license. [Amended 12-14-1993 by Ord. No. 101]

Township Police are hereby authorized to suspend or revoke any license issued under this chapter when such suspension or revocation is deemed beneficial to the public health, safety or morals, or for violation of any of the provisions of this chapter, or for giving false information upon any application for a license hereunder.

§ 100-11. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 12-14-1993 by Ord. No. 101; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This chapter 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. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.¹

1. Editor's Note: Original § 71-12, arrests, added 12-14-1993 by Ord. No. 101, which immediately followed this section, was repealed 6-11-1996 by Ord. No. 108.

Chapter 110

SEWAGE DISPOSAL SYSTEMS, PRIVATE

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewer Authority — See Ch. 5, Art. I.
Public sewers — See Ch. 114.

ARTICLE I

General Provisions

[Adopted 2-13-1968 by Ord. No. 5 (Ch. 77, Art. I, of the 1991 Code)]

§ 110-1. Permit required.

No person shall install an individual or community sewage disposal system or construct any building in North Londonderry Township in which an individual or community sewage disposal system is to be installed without first obtaining a permit indicating that the site, plans and specifications of such system are in compliance with Act 537¹ and the Rules and Regulations adopted pursuant to the Act.

§ 110-2. Fee. [Amended 11-12-1991 by Ord. No. 86]

A fee in the sum of eighty dollars (\$80) shall be paid to the Lebanon County Planning Department Enforcement Officer, the Township's agent, at the time of making application for an individual or community sewage disposal system.

ARTICLE II

Holding Tanks

[Adopted 11-12-1991 by Ord. No. 86 (Ch. 77, Art. II, of the 1991 Code)]

§ 110-3. Purpose.

The purpose of this article is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

§ 110-4. Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this article shall be as follows:

1. Editor's Note: See 53 P.S. § 750.1 et seq.

AUTHORITY — The Supervisors of North Londonderry Township, Lebanon County, Pennsylvania.

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 the sewage at 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.

MUNICIPALITY — The Township of North Londonderry, Lebanon County, Pennsylvania.

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 the bodies of human beings or animals and 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.

§ 110-5. Powers of Authority.

The Authority 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.

§ 110-6. Promulgation of rules and regulations.

The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

§ 110-7. Rules and regulations to conform to applicable law.

All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Township and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§ 110-8. Rates and charges.

The Authority shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

§ 110-9. Duties of Authority.

- A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority,

and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

- B. The Authority will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Authority will complete and retain annual inspection reports for each permitted tank.

§ 110-10. Duties of property owners.

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Authority or its agent to inspect holding tanks on an annual basis.
- C. Permit only the Authority or its agent to collect, transport and dispose of the contents therein.

§ 110-11. Violations and penalties. [Amended 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

Section 110-10 shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of § 110-10 shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense.

§ 110-12. Abatement of nuisances.

In addition to any other remedies provided in this ordinance, any violation of § 110-10 above shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

ARTICLE III

On-Lot Disposal System Management

[Adopted 7-20-2009 by Ord. No. 152 (Ch. 77, Art. III, of the 1991 Code)]

§ 110-13. Introduction; purpose.

- A. This article may be cited as the "OLDS (On-Lot Disposal System) Management Program for the Township of North Londonderry."
- B. As mandated by the municipal codes, the Clean Streams Law (35 P.S. §§ 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq., known as "Act 537"), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the

protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for North Londonderry Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

- C. The purpose of this article is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the Township to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

§ 110-14. Terms and definitions.

- A. General terms. In this interpretation of this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
- B. Specific terms. For the purpose of this article, the terms shall be constructed to have the following meanings:

ACT — The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. § 750.1 et seq.

AUTHORITY — The North Londonderry Township Municipal Authority of North Londonderry Township, Lebanon County, Pennsylvania.

AUTHORIZED AGENT — A licensed sewage enforcement officer, professional engineer or sanitarian, Plumbing Inspector, soil scientist, Zoning Officer, building code official, sewage management program coordinator or any other qualified or licensed person who is delegated to function within the specified limits as the agent of the Board of Supervisors of North Londonderry Township to carry out the provisions of this or any other ordinance of the Township.

BOARD — The Board of Supervisors of North Londonderry Township, Lebanon County, Pennsylvania.

CESSPOOL — An underground container for waste matter; a covered underground tank or well for the collection of waste matter and water, especially sewage.

COMMUNITY SEWAGE SYSTEM — Any system, whether publicly or privately owned, for the collection of sewage publicly, from two or more lots or uses, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more of the lots or at any other site and which shall comply with all applicable regulations of the DEP.

DEP — The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER — Any person, partnership or corporation which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion or upon the conveyance of property on which the building is to be built.

EQUIVALENT DWELLING UNIT (EDU) — For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

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.

INDIVIDUAL SEWAGE SYSTEM — Any system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

LAND DEVELOPMENT — A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq.

LOT — A designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit.

MALFUNCTION — The condition that occurs when an on-lot sewage disposal system causes pollution to the groundwater or surface water, contamination of private or public drinking water supplies, nuisance problems or hazard to public health. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

OFFICIAL PLAN — A Comprehensive Plan for the provision of adequate sewage disposal systems adopted by the Township and approved by DEP in accordance with the Act and with applicable DEP regulations.

ON-LOT SEWAGE DISPOSAL SYSTEM — Any sewage system disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania, or by means of conveyance to another site for the final disposal, and which is located upon the lot which it serves.

OWNER — Any person, corporation, partnership, etc. holding deed/title to lands within North Londonderry Township.

PERSON — Any individual, association, partnership, public or private corporation, whether for profit or non-for-profit, trust, estate or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this article, the term "person" shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

PLANNING MODULE FOR LAND DEVELOPMENT — A revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

PUMPER/HAULER — Any person, company, partnership or corporation that engages in cleaning community or individual sewage systems and transports the septage cleaned from these

systems. All pumper/haulers shall be registered prior to conducting sewage management activities within the Township.

PUMPERS REPORT/RECEIPT — See "sewage management report."

REHABILITATION — Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

REPLACEMENT AREA — An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable Township ordinances for an individual on-lot sewage system.

RETAINING TANK — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes a chemical toilet, holding tank, privy, incinerating toilet, composting toilet or recycling toilet.

SEPTAGE — The residual scum and sludge pumped from septic systems.

SEWAGE — Any substance that contains any of the waste products or excrements or other discharge from the bodies of human beings 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.

SEWAGE ENFORCEMENT OFFICER (hereinafter called SEO) — A person appointed by the Board to administer the provisions of this article and authorized by the DEP in accordance with Chapter 71, Administration of Sewage Facilities Program, of Title 25, Rules and Regulations, to verify in a manner approved by the Department percolation tests, site and soil evaluation, and issue sewage permits for on-lot disposal systems.

SEWAGE FACILITIES — Any method of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this commonwealth or otherwise provide for the safe and sanitary treatment of sewage.

SEWAGE MANAGEMENT PROGRAM — A program authorized by the official action of a municipality for the administration, management and regulation of the disposal of sewage.

SEWAGE MANAGEMENT PROGRAM COORDINATOR — A person delegated by the Township with the administrative responsibility to implement the sewage management program and authority to enforce the ordinance provisions associated therewith.

SEWAGE MANAGEMENT REPORT — Form which shall be used by all registered pumper/haulers to report each pumping of on-lot sewage disposal systems in the Township.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, which ownership is separate and distinct from that on any abutting or adjoining lot.

SUBDIVISION — A subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq., and as defined by the Pennsylvania Code, Title 25, Environmental Protection, Chapter 71, Administration of Sewage Facilities.

TOWNSHIP — North Londonderry Township, Lebanon County, Pennsylvania.

- C. All other definitions of words and terms used in this article shall have the same meaning as set forth in Chapters 71, 72 and 73, Administration and Standards for Sewage Disposal Facilities, within the Pennsylvania Code, Title 25, Environmental Protection.

§ 110-15. Applicability.

From the effective date of this article, its provisions shall apply to all persons owning any real estate in the Township serviced by an on-lot sewage disposal system; to all persons installing or rehabilitating on-lot sewage disposal systems within the Township; to all pumper/haulers who are registered with the Lebanon County Planning Department; and including all other authorized agents.

§ 110-16. Sewage permit requirements.

- A. No person shall install, construct or request bid proposals for construction or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (hereinafter called "Act 537" or "Act") and the standards adopted pursuant to that Act.
- B. No building or occupancy permit shall be issued by the Township or its authorized agent for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township's certified SEO.
- C. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the Township's authorized agent and the structure's owner receive from the Township's SEO either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

§ 110-17. Ground markers.

Any person who shall install new or rehabilitated systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Township's SEO. In addition, a riser or manhole extension shall be constructed to finished grade, as per DEP requirements, so as to enable easy access to the waste disposal tank, prevent odors from escaping and to prevent children from entering the tank.

§ 110-18. Inspections and violations.

- A. Any on-lot sewage disposal system may be inspected by the Township's SEO or authorized agent at any reasonable time as of the effective date of this article.
- B. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure or into the treatment tank served to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. The Township's SEO or authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:
 - (1) The matter will be officially referred to the Board for action.
 - (2) The Board may schedule a review at the next scheduled meeting of the Board or, if the situation threatens the health and safety of the residents of the Township, the Board may commence an immediate procedure to obtain a search warrant from the District Justice.
 - (3) Upon receipt of a search warrant to inspect the property, the SEO or authorized agent of the Township shall be accompanied by an officer of the Township or State Police, and the inspection shall be completed in accordance with this subsection.
 - (4) The provisions of this subsection for obtaining a search warrant may be waived only when the Board and its SEO or authorized agent have reason to believe that the sewage facilities are malfunctioning or being operated improperly such that the situation poses an immediate and substantial safety, water pollution or health hazard.
- D. An inspection shall be conducted by the pumper/hauler at the time of pumping for the purpose of determining the type and functional status of each sewage disposal system in the Township. A written report shall be furnished to the owner of each property inspected, and a copy shall be maintained in the Township Records.
- E. A schedule of routine inspections may be established by the Township, if necessary, to assure the proper function of the systems in the Township.
- F. The Township's SEO or authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is malfunctioning, the Township's SEO or authorized agent shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the Township's SEO or authorized agent, action by the owner to mitigate the malfunction shall be required.
- G. Within seven (7) days of notification by the SEO that a malfunction has been identified, the owner shall make application to the Township's certified SEO for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the SEO, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the SEO, the construction shall be completed. Where seasonal or unique conditions may affect construction, the SEO may grant an extension of the deadline for commencement or completion of construction.

- H. The SEO shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system; adding capacity or otherwise altering or replacing the system's treatment tank; expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a retaining tank; or other alternatives as appropriate for the specific site.
- I. In lieu of or in combination with the remedies described in Subsection H, the SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving devices or they may be required to be replaced by water-conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served.
- J. In the event that the rehabilitation measures in Subsections F through I are not feasible or do not prove effective, the SEO may require the owner to apply for a permit to construct a retaining tank in accordance with Township ordinance. Upon receipt of said permit, the owner shall complete construction of the system within thirty (30) days.
- K. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the owner is not absolved of responsibility for that malfunction. The SEO may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.
- L. There may arise geographic areas within the Township where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a Township sponsored revision to that area's Act 537, official sewage facilities plan. When a DEP-authorized official sewage facilities plan revision has been undertaken by the Township, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the Township, pending the outcome of the plan revision process. However, the Township may compel immediate corrective action whenever a malfunction, as determined by Township officials and the DEP, represents a serious public health or environmental threat.

§ 110-19. Operation; prohibited discharges.

No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania unless a permit to discharge has been obtained from the DEP. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other nondomestic oil.

- C. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

§ 110-20. Maintenance.

- A. All pumpers/haulers who empty tanks or service on-lot sewage disposal systems within North Londonderry Township shall complete such forms, provide such information, pay such fees and comply with all requirements as may be set forth by ordinance of the Board or by Resolution of the Board or the Authority.
- B. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a registered pumper/hauler within ninety (90) days of receiving official notice. Thereafter, that person shall have the tank pumped at least every three (3) years, upon notice to do so or whenever an inspection reveals that the septic tank is filled with solids or scum in excess of one-third ($1/3$) of the liquid depth of the tank. Reports from the pumper/hauler shall be submitted to the Sewage Management Program Coordinator as required in Subsection F.
- C. If any person provides a receipt or other written evidence showing that their tank had been pumped within one (1) year prior to the effective date of this article, the Sewage Management Program Coordinator may delay that person's initial required pumping to conform to the general three (3) year frequency requirement.
- D. The Sewage Management Program Coordinator may allow septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Sewage Management Program Coordinator that the system can operate properly without the need for pump out. Such a request may be made at any time and must be in writing with all supporting documents attached. The Sewage Management Program Coordinator, in making its determination, shall take into account the information submitted by the applicant, the sewage permit issued by the Township SEO upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. Application for said relief, together with the required reports, shall be submitted to the Sewage Management Program Coordinator. Upon receipt of the reports and recommendation, the Sewage Management Program Coordinator shall issue a decision within sixty (60) days.
- E. The required pumping frequency may be increased at the discretion of the Sewage Management Program Coordinator if the septic tank is undersized, if solids build up in the tank is greater than one-third ($1/3$) of the liquid depth of the tank, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.
- F. Upon completion of each required pumping, the pumper/hauler shall fill out and submit a signed copy of the approved sewage management report form: copies of the approved

forms shall be provided to all registered pumpers/haulers. The pumper/hauler shall provide one copy of the sewage management report to the owner of the subsurface waste disposal system and one copy to the Sewage Management Program Coordinator. Copies must be received by the Sewage Management Program Coordinator within thirty (30) days of the date of pumping along with the required administrative fee.

- G. Any person owning a building served by an on-lot sewage disposal system which utilizes an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Sewage Management Program Coordinator within six (6) months of the effective date of this article. Thereafter, service receipts shall be submitted to the Sewage Management Program Coordinator at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks.
- H. Any person owning a building served by a cesspool shall have that system pumped according to the schedule prescribed for septic tanks in Subsection B.
- I. The Township's authorized agent may require additional maintenance activity, as needed, including, but not necessarily limited to, cleaning and unclogging of piping; servicing and the repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; the diversion of surface water away from the disposal area, etc. Repair permits issued by the certified SEO may be required for these activities, as applicable.

§ 110-21. System rehabilitation.

- A. Any on-lot sewage disposal system or component thereof found to be malfunctioning shall be repaired, modified or replaced pursuant to direction of the Township or its authorized agent and to correct the conditions causing the malfunction. Rehabilitation shall be performed in accordance with Chapter 73, Standards for Sewage Disposal Facilities, of Title 25, Rules and Regulations, Department of Environmental Protection. The Township Sewage Enforcement Officer shall inspect the rehabilitated on-lot sewage disposal system and certify its compliance with local and state standards.
- B. Any person desiring to perform soil fracturing or use of the terra lift procedure on any portion of an on-lot sewage disposal system shall provide written notification to the Sewage Enforcement Officer at least forty-eight (48) hours prior to commencement of such work. The Sewage Enforcement Officer shall review the information submitted to determine whether the proposed work is maintenance and exempt from permit requirements or is a repair, alteration or modification which requires a permit pursuant to § 110-16 of this article. The Sewage Enforcement Officer shall notify the applicant within such forty-eight-hour period if the applicant must obtain a permit.

§ 110-22. Liens.

The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this article, shall have the authority to perform or contract to have

performed the work required by the SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor, in accordance with law, to recover all costs, together with attorney's fees.

§ 110-23. Disposal of septage; pumper/hauler violations and penalties.

- A. All septage pumpers/haulers operating within the Township shall be registered with the Township through the Sewage Management Program Coordinator and shall comply with all reporting requirements established by the Township.
- B. All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the DEP. Approved sites or facilities may include the following: septage treatment facilities, wastewater treatment plants, composting sites and approved farm lands.
- C. Septage pumpers/haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 through 6018.1003). Any septage pumper/hauler who violates any of the provisions of this article, the rules and regulations promulgated hereunder, the conditions of its state permit, or of any state or local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100) and not exceeding one thousand dollars (\$1,000) and costs, together with attorney's fees or, in default of payment thereof, shall be subjected to imprisonment for a term not to exceed thirty (30) days. If any pumper/hauler shall have been convicted on two (2) occasions of any violation of this article, or for violating the conditions of its state permit, or of any state or local laws governing its operation, the Board or the Authority, if authorized by the Board, shall have the right to suspend said pumper/hauler from operating within the Township for a period of not less than six (6) months or more than two (2) years for each violation. Each day the violation continues shall constitute a separate offense.

§ 110-24. Administration.

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this article.
- B. The Township may appoint those qualified to carry out the provisions of this article, which may include a certified SEO, a Sewage Management Program Coordinator and the North Londonderry Township Municipal Authority. The Township may also contract with others as may be necessary to carry out the provisions of this article.
- C. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems shall become the property of the Township. Existing and future records shall be available for public inspection during required business hours at the office of the Sewage Management Program Coordinator or SEO, as applicable. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Township's OLDS Management Program shall be made available, upon request, for inspection by representatives of the DEP.

- D. The Board, or the Authority, if appointed by the Board, may establish by resolution all administrative procedures necessary to properly carry out the provisions of this article.
- E. The Board, or the Authority, if appointed by the Board, may establish by resolution a fee schedule, and subsequently collect fees, or authorize the collection of fees, to cover the costs of the Township or authorized agents of the Township of administering this program.

§ 110-25. Appeals.

- A. Appeals from decisions of the Sewage Management Program Coordinator or its authorized agents under this article shall be made to the Board, or the Authority, if appointed by the Board, in writing, within forty-five (45) days from the date of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board, or before the Authority, if the Board has authorized the hearings to be held before the Authority, within forty-five (45) days of the receipt of the appeal by the hearing body. The appellant and the hearing body may continue the time for the hearing to a date as may be agreed upon. The Township, or the Authority, if applicable, shall render a decision within forty-five (45) days of the completion of the hearing or hearings. All matters to be heard must be set forth in writing in the appeal papers at the time of filing the appeal.

§ 110-26. Violations and penalties.

- A. Any person who violates any of the provisions of this article or of the rules and regulations promulgated hereunder shall, upon conviction before a Magisterial District Judge or before a Judge of the Court of Common Pleas of Lebanon County, Pennsylvania, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), together with costs and attorney's fees, or, in default of the payment thereof, shall be confined in the Lebanon County Prison for a period of time not exceeding thirty (30) days. Each day of noncompliance shall constitute a separate offense.
- B. The Township, or the Authority, if authorized to do so by the Board, may enforce the provisions of this article and any rules promulgated hereunder by filing a suit in equity in the Court of Common Pleas of Lebanon County, Pennsylvania, and in any such proceedings, the Township or the Authority may recover all costs and attorney's fees.

Chapter 114

SEWERS, PUBLIC

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 12-16-2002 by Ord. No. 128 (Ch. 81 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Sewer Authority — See Ch. 5, Art. I.

Private sewage disposal systems — See Ch. 110.

ARTICLE I

Definitions, Word Usage and Abbreviations

§ 114-1. Definitions and word usage.

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

ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. § 1251 et seq.).

AUTHORITY — The North Londonderry Township Authority, Lebanon County, a Pennsylvania municipal authority so created under the Municipality Authorities Act of 1945,¹ and owner of the sewer system in North Londonderry Township.

AUTHORIZED REPRESENTATIVE OF THE USER

- (1) If the user is a corporation, the authorized representative shall be:
 - (a) The President, Vice President, secretary, or treasurer of the corporation in charge of a principal business function, or any person who performs similar policy or decisionmaking functions for the corporation; or
 - (b) The manager of one (1) or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or a sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively. If the user is a federal, state or local governmental facility, the authorized representative shall mean a ranking elected official, or principal executive official having responsibility for the overall operation and performance of the activities of the principal geographic unit of the government agency. The individuals described above may designate another authorized

1. Editor's Note: See 53 P.S. § 301 et seq.

representative if:

- (a) The authorization is made in writing by the individual described above;
- (b) The authorization specifies either the individual or a position responsible for the overall operation of the facility from which the indirect discharge originates or having overall responsibility for environmental matters for the company; and
- (c) The written authorization is submitted to the Township.

BILLING UNIT — Includes, as applicable, any commercial establishment, any dwelling unit, any educational establishment, any industrial establishment or any institutional establishment.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees Centigrade (20° C.), expressed in terms of weight and concentration, milligrams per liter (mg/L).

BOROUGH — Palmyra Borough, Lebanon County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania, acting by and through its authorized representatives. Palmyra Borough operates a sewer system serving Palmyra Borough. Wastewater from the Palmyra Borough sewer system is conveyed to the Authority's wastewater treatment plant operated by North Londonderry Township. [Amended 3-18-2013 by Ord. No. 169]

BUILDING SEWER — That part of the sewer line from the service lateral to the outer wall of the building being served. The building sewer shall be maintained by the owner.

COMMERCIAL ESTABLISHMENT — Any room, group of rooms, building or enclosure connected, directly or indirectly, to the sewer system and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service.

COMPOSITE SAMPLE — The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either time or flow.

CONNECTION FEE — A fee, as established and defined by Act 209 of 1990,² which is imposed to recover the Township's cost for facilities installed between the sewer mains and the property line of the property to be connected to the sewer system and which is payable to the Township.

CONNECTION, MANDATORY — If a principal building is within one hundred fifty (150) feet of the public sanitary sewer, connection by the principal building to the public sanitary sewer is mandatory. [Added 5-18-2009 by Ord. No. 151]

COOLING WATER — The water discharged from any use to which the only pollutant added is heat, such as air conditioning, cooling or refrigeration.

CUSTOMER FACILITIES FEE — A fee, as established and defined by Act 209 of 1990,³ which is imposed to recover the Township's cost of facilities installed between the property line

2. Editor's Note: See 53 P.S. § 10501-A et seq.

3. Editor's Note: See 53 P.S. § 10501-A et seq.

and the internal plumbing of the building being connected to the Authority sewer system and which is payable to the Township.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

DOMESTIC WASTEWATER — Human excrement and gray water (showers, dishwashers, washing machines, etc.) generated from residential households, institutions, commercial and industrial establishments, but excluding industrial wastewater.

DWELLING UNIT — Any room, group of rooms, house trailer, building or other enclosure connected, directly or indirectly, to the sewer system and occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person or persons living alone, excluding institutional dormitories.

EDUCATIONAL ESTABLISHMENT — Each room, group of rooms, building, house trailer or mobile home connected, directly or indirectly, to the sewer system and used or intended for use, in whole or in part, for educational purposes, including both public and private schools.

EQUIVALENT DWELLING UNIT (EDU) — A unit of measure representing the engineering design flow of domestic and/or industrial wastewater for a nonresidential establishment. Each connection is at least one (1) EDU. A property or building may utilize more than one (1) EDU. The number of EDUs is determined by dividing the average daily water consumption by gallons per day. The current gallons per day shall be as specified in the Schedule of Fees and Charges.⁴ [Added 3-18-2013 by Ord. No. 169]

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication of proposed federal categorical pretreatment standards, which will be applicable to such source if the federal categorical pretreatment standard is thereafter promulgated in accordance with Section 307(c) of the Act.

FATS, OILS AND GREASES (FOG) — Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules, such as rendered animal fat, vegetable shortening and other such oily material used for the purposes of and resulting from cooking and/or preparing food, and is distinct from petroleum or mineral oils.

FEDERAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317), which applies to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, §§ 405-471.

FOOD SERVICE ESTABLISHMENT — Any food service facility that prepares or packages food or beverages for sale or consumption, onsite or offsite, with the exception of private residences. Food service establishments shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches and schools.

GRAB SAMPLE — A sample that is collected from a wastestream on a one-time basis, with no

4. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

regard to the flow in the wastestream, and over a period of time not to exceed fifteen (15) minutes.

GREASE INTERCEPTOR — A device located underground and outside of a food service establishment designed to collect, contain or remove food wastes and grease from the wastestream while allowing the wastewater to discharge to the sewer system by gravity.

GREASE TRAP — A device located inside a food service establishment or under a sink designed to collect, contain or remove food wastes and grease from the wastestream while allowing the wastewater to discharge to the sewer system by gravity.

IMPROVED PROPERTY — Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings and from which structure domestic and/or industrial wastewater shall be or may be discharged.

INDIRECT DISCHARGE — The discharge or the introduction of pollutants from any nonresidential source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. § 1317), into the sewer system.

INDUSTRIAL ESTABLISHMENT — Any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system and used or intended for use, in whole or in part, in the operation of a business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article, or from which any industrial wastewater, as distinct from domestic wastewater, shall be discharged.

INDUSTRIAL USER — A source of indirect discharge.

INDUSTRIAL WASTEWATER — Any liquid, gaseous or waterborne wastewater discharged into the sewer system from commercial or industrial establishments, as distinct from domestic wastewater.

INSTITUTIONAL ESTABLISHMENT — Any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories and educational establishments, which do not constitute a commercial establishment, a dwelling unit or an industrial establishment.

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption at the Authority's wastewater treatment plant, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the Authority's NPDES permit, including an increase in the magnitude or duration of a violation. The term includes a discharge which causes the prevention of sewage sludge use or disposal by the Authority in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state and local regulations): Section 405 of the Clean Water Act (33 U.S.C. § 1345); the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research and Sanctuaries Act;⁵ and any state regulations contained in any state sludge-management plan prepared pursuant to Subtitle D of the SWDA applicable to

5. Editor's Note: See 42 U.S.C. § 6901 et seq.; 42 U.S.C. § 7401 et seq.; 15 U.S.C. § 2601 et seq.; and P.L. 92-532, respectively.

the method of disposal or use employed by the POTW. [Amended 3-18-2013 by Ord. No. 169]

MEDICAL WASTE — Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MULTIPLE DWELLING — Any improved property in which there shall be located more than one (1) dwelling unit.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of Section 307(b) of the Act and set forth in 40 CFR § 403.5.

NEW SOURCE

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed federal categorical pretreatment standards under Section 307(c) of the Act, which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section provided that the building, structure, facility or installation is constructed at a site at which no other source is located; the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of the above subsection, but otherwise alters, replaces or adds to existing process or production equipment. Construction of a new source as defined under this subsection has commenced if the owner or operator has begun, or caused to begin, as part of a continuous onsite construction program any placement, assembly or installation of facilities or equipment; significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which are necessary for the placement, assembly or installation of new source facilities or equipment; or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in the operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER — Water used for cooling that does not come into direct

contact with any raw material, intermediate product, waste product or finished product.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) — A classification system pursuant to the North American Industry Classification System, United States, 1997 Manual, as amended, Office of Management and Budget.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property located within the sewer service area.

PASS THROUGH — A discharge that exits the Authority's wastewater treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NPDES permit, including an increase in the magnitude or duration of a violation. [Amended 3-18-2013 by Ord. No. 169]

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, society or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.

pH — The logarithm [base ten (10)] of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution and indicates the degree of acidity or alkalinity of a substance.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, domestic wastewater, industrial wastewater, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes, and certain characteristics of wastewater (e.g., biochemical oxygen demand (BOD), chemical oxygen demand (COD), color, odor, pH, temperature, total suspended solids (TSS), toxicity or turbidity).

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a wastewater treatment plant. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except as prohibited by 40 CFR § 403.6(d), which prohibits dilution as a substitute for treatment.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed upon an industrial user.

PRETREATMENT STANDARDS — Prohibited discharge standards, federal categorical pretreatment standards and local limits.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which are owned, in this instance, by the Authority and Borough. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or industrial wastewater. It also includes pipes, sewers and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act [33 U.S.C. § 1362(4)], which has jurisdiction over indirect discharges to, and the discharges from, such a treatment

works. The Authority's sewer system conveys wastewater from the Township and the Borough's sewer system for treatment in the Authority's wastewater treatment plant. [Amended 3-18-2013 by Ord. No. 169]

SERVICE AREA — That area of the sewer system served by the Authority POTW, which includes Palmyra Borough, Lebanon County, and North Londonderry Township, Lebanon County. [Amended 3-18-2013 by Ord. No. 169]

SERVICE CONNECTION — Each individual building or portion of a building, which is designed or adaptable to separate ownership whether for commercial, industrial or residential use. A school, factory, apartment house, office building or other multiple unit structure whose individual apartments or units are connected to a common internal wastewater system and which are not commonly subject to separate ownership shall be considered as one (1) service connection.

SERVICE LATERAL — That part of the sewer system that extends from the sewer main to a point near the edge of the public right-of-way.

SEWER — Any pipe, main or conduit constituting a part of the sewer system, used or usable for collection and transportation of domestic and industrial wastewater, other than a building sewer.

SEWER SYSTEM — All facilities and property owned by the Authority and Borough and operated and maintained by the Township and Borough, as of any particular time, including, but not limited to, facilities for collecting, pumping and conveying domestic and industrial wastewater. [Amended 3-18-2013 by Ord. No. 169]

SIGNIFICANT INDUSTRIAL USER [Amended 3-18-2013 by Ord. No. 169]

- (1) Any nonresidential user of the sewer system who is subject to federal categorical pretreatment standards; or discharges an average flow of twenty-five thousand (25,000) gallons per day or more of process wastewater to the sewer system (excluding domestic, noncontact cooling water and boiler blowdown wastewater); or contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Authority's wastewater treatment plant; or is designated as significant by the Township on the basis that the nonresidential user has a reasonable potential for adversely affecting the Authority's wastewater treatment plant operation or for violating any pretreatment standard or requirement.
- (2) Upon finding that a nonresidential user meeting the criteria above has no reasonable potential for adversely affecting the Authority's wastewater treatment plant operation or for violating any pretreatment standard or requirement, the Township may at any time, on its own initiative or in response to a petition received from the nonresidential user, determine that such nonresidential user should not be considered a significant industrial user.

SLUG — Any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which could cause a violation of the general or specific prohibited discharge standards in §§ 114-16 and 114-17 of this chapter. [Amended 5-18-2009 by Ord. No. 151]

STATE — Commonwealth of Pennsylvania.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting therefrom.

STREET — Any street, road, lane, court, alley or public square.

TAPPING FEE — A fee, as established and defined by Act 209 of 1990,⁶ imposed for the privilege of connecting with or utilizing, whether directly or indirectly, the sewer system. This fee is payable to the Township.

TENANT — One who rents or leases from a landlord. [Amended 5-18-2009 by Ord. No. 151]

TOTAL SUSPENDED SOLIDS — The total suspended matter that floats on the surface or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

TOWNSHIP — North Londonderry Township, Lebanon County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania, acting by and through its authorized representatives, which operates and maintains the Authority's wastewater treatment plant and sewer system. [Amended 3-18-2013 by Ord. No. 169]

TOXIC POLLUTANT — One (1) of the pollutants, or a combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307(a) (33 U.S.C. § 1317) of the Act or other acts.

USER — Any person who contributes, causes or allows the contribution of wastewater into the sewer system.

WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WATER SYSTEM — Pennsylvania American Water Company, a Pennsylvania public utility corporation authorized to supply water to the public in the area to be served by the sewer system, or any municipality authority or private or public water company.

B. Shall is mandatory; may is permissive.

§ 114-2. Abbreviations.

The following abbreviations shall have the designated meanings:

Abbreviation Meaning

BMR	Baseline monitoring report
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Pennsylvania Department of Environmental Protection

6. Editor's Note: See 53 P.S. § 10501-A et seq.

EPA	Environmental Protection Agency
FOG	Fats, oils and greases
GPD	Gallons per day
L	Liter
LEL	Lower explosive limit
mg	Milligrams
mg/L	Milligrams per liter
MGD	Million gallons per day
NH ₃ -N	Ammonia nitrogen
NOV	Notice of violation
NPDES	National Pollutant Discharge Elimination System
NAICS	North American Industry Classification System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SNC	Significant noncompliance
SWDA	Solid Waste Disposal Act
TSS	Total suspended solids
USC	United States Code

ARTICLE II

Sewer Connection Permits

§ 114-3. Permit required for connection. [Amended 3-18-2013 by Ord. No. 169]

No connection shall be made nor construction of the building sewer commenced unless and until the owner of the improved property shall have submitted an application for a permit to connect to the sewer system as provided herein and until a sewer connection permit is issued by the Township. No sewer connection permit shall be issued unless there is sufficient capacity in the sewer system to convey the wastewater to the Authority's wastewater treatment plant and sufficient capacity in the Authority's wastewater treatment plant exists to treat the wastewater.

§ 114-4. Application for permit.

- A. An application for a permit to connect to the sewer system, as required under § 114-3 of this article, shall be submitted by the owner of the improved property to be served, or by his duly authorized representative, on a form provided by the Township. Connection permit applications shall be accompanied by plans and specifications as required under the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System, unless previously provided to the Township. [Amended

5-18-2009 by Ord. No. 151]

- B. Upon receipt of a properly prepared application for a permit to connect to the sewer system, together with the required connection and tapping fees,⁷ the Township may issue a sewer connection permit to the owner of the improved property. The sewer connection permit shall describe the property for which the permit is issued, and neither the owner nor any subsequent owner or tenant shall allow any other property to be attached to or connected with the sewer lines or transferred to another property as authorized under the permit.

ARTICLE III Sewer Connection Procedures and Specifications

§ 114-5. Authority standards.

No connection shall be made to the sewer system unless the manner in which the connection is made and the materials and workmanship employed in effecting such connection shall comply with the requirements of the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.

§ 114-6. Conditions of connections.

No person shall make or cause to be made a connection on any improved property with a sewer until such person shall have fulfilled each of the following conditions:

- A. The owner of improved property shall have applied for and obtained a permit as required by § 114-3 of this chapter.
- B. The owner of improved property shall obtain the necessary and proper rights-of-way, easements or the like prior to installation of the service lateral. The Township assumes no responsibility for establishing the right of any person to install a service lateral on any particular property.
- C. The Township shall construct the sewer service lateral if the connection is made to an existing public sewer main owned by the Township. At the discretion of the Township, and if the owner enters into a sewer connection agreement with the Township, the owner may be responsible for installation of the service lateral. The owner shall give the Township at least three (3) days' advance notice when the connection will be made to the sewer system so that the Township may supervise and inspect the connection work and necessary testing.
- D. The sewer connection permit shall be displayed prominently upon the improved property to be connected to the sewer system at all times during construction of the building sewer and connection of the building sewer to the sewer main.
- E. Wastewater may only be discharged to the sewer system through an approved connection. Any unlawful discharges may be subject to enforcement action by the Township.
- F. The Township may at all times refuse to render or to continue to render sewer service to any property or to any sewer lines whenever it appears that the connection of the property

7. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

to the sewer system has been improperly made or whenever it appears that there has been a violation of the rules and regulations of the Township with respect to the installation of the sewer disposal facilities. [Added 5-18-2009 by Ord. No. 151]

- G. Sump pumps and sewer ejectors. Sump pumps and sewer ejectors will be permitted if the homeowner does not desire to or cannot install the sewer line below the basement floor in order to accommodate fixtures and drains installed below the main soil line from the building to the sewer main. Discharge of such fixtures and drains shall be directed into a tightly closed and vented sump from which the discharge shall be lifted and discharged into the building gravity line. A check valve shall be installed in the discharge line from the sump pump or sewage ejector. Sump pump and sewer ejector equipment shall be controlled by a float switch or electrode located in the sump to cycle the pump motor in order to discharge the accumulated contents. [Added 5-18-2009 by Ord. No. 151]

§ 114-7. Separate connections.

Except as otherwise provided in this section, each connection unit on each improved property shall be connected separately and independently with the sewer system through a building sewer. Grouping of more than one (1) connection unit on one (1) building sewer shall not be permitted except under special circumstances, and then only after special permission is secured from the Township in writing. However, a single sewer connection may be permitted to serve a school, factory or apartment house or other permanent multiple-unit structure whose individual apartments or units may not be subject to separate ownership.

§ 114-8. Building sewers and service laterals.

- A. Building sewers and service laterals shall be constructed, installed and connected in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.
- B. Building sewers and service laterals shall be constructed and installed at the expense of the property owner.
- C. Service laterals, including any connection fitting such as a saddle, shall remain the property of the owner. As a condition of the grant of a connection permit, such owner shall agree to indemnify and save harmless the Township from all loss or damage resulting directly or indirectly from the connection to the sewer main, including any damages to persons or property.
- D. Every excavation for building sewers or service laterals shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of building sewers and service laterals shall be restored at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township.

§ 114-9. Correction of defects in building sewers.

Whenever the Township has reason to believe that any building sewer has become defective, such building sewer shall be subject to testing and inspection. Defects found upon such testing

and inspection, if any, shall be corrected as required by the Township, at the cost and expense of the owner of the improved property served through such building sewer.

§ 114-10. Maintenance of building sewers and service laterals.

The maintenance of building sewers and service laterals shall be the responsibility of the property owner except as provided herein.

- A. Where the owner's efforts to maintain or restore service establishes that there is a blockage in or structural failure of the service lateral, which requires excavation of the service lateral to effect repair and/or restoration of service, the owner will bear the cost of such excavation and subsequent repair of the service lateral.
- B. When it is determined by the Township that a service lateral is in need of repair and/or modification, either to eliminate the entry of groundwater or to eliminate an illegal discharge, the Township shall notify the owner and specify a period of time within which the repair must be made. If the owner does not make the repair or modification within the specified period of time, the Township may complete the work and assess the cost of the work, plus ten percent (10%) for administrative costs, to the owner.
- C. Replacement of building sewers and service laterals shall be in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.

§ 114-11. Grinder pumps.

Grinder pump installations are not allowed for new connections, unless special circumstances warrant their need and approval is obtained from the Township. Existing grinder pump installations shall be maintained by and at the expense of the owner. The Township or its representatives may periodically inspect grinder pump installations during reasonable hours to ensure the installations are functioning properly.

§ 114-12. Grease trap and grease interceptor requirements.

- A. The Township may require any existing food service establishment and shall require all new food service establishments to install grease traps or grease interceptors subject to such terms and conditions as deemed necessary by the Township to protect the sewer system and the Authority's wastewater treatment plant from excessive amounts of fats, oils and grease (FOG). Among the factors to be considered by the Township is whether the user's discharge has the potential to obstruct the flow in the sewer or to interfere with the operation of the Authority's wastewater treatment plant. [Amended 3-18-2013 by Ord. No. 169]
- B. Sizing of grease traps and grease interceptors is based on wastewater flow and grease retention capacity. Indoor grease traps shall be designed in accordance with the Plumbing and Drainage Institute Standard PDI-G101. If feasible, a grease interceptor shall be placed outside the building instead of an inside grease trap. The minimum size grease interceptor required is 1,000 gallons. Interceptors can be installed in series if greater capacity is needed. Grease interceptors shall be constructed of impervious materials capable of

withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Other design considerations shall include, but are not limited to the following: a minimum of two (2) compartments, each with its own manhole, and a center baffle to allow floating of FOG and settling of solids; the inlet and outlet on the grease interceptor shall be properly baffled; flow control devices; manholes finished to grade to allow easy access for proper maintenance; cleanout on outlet side of interceptor; inaccessibility to insects and vermin; and installation of sample vault with hydraulic jump on discharge side of interceptor.

- C. Grease interceptor design criteria shall be in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System. Grease traps and grease interceptors shall be located in the service lateral line between all fixtures that may introduce FOG into the sewer system and the service connection to the Township sewer system. Such fixtures include, but are not limited to, sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and storage areas, and any other fixture that is determined to be a potential source of FOG. Indoor grease traps will not be approved for food service establishments that are equipped with dishwashers or garbage disposals. The trap/interceptor size, type of construction, and the location of the installation shall be approved by the Township, prior to installation.
- D. Grease traps and grease interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense. In the maintaining of grease traps and grease interceptors, the owner shall be responsible for the proper removal and disposal of the captured material, and shall maintain records which include dates of maintenance, person performing maintenance, estimated volume of FOG removed, hauler receipts or manifests, disposal locations and facility manager's verification. The frequency of cleaning shall be as specified by the trap/interceptor manufacturer, based on the size of the food service establishment and the type of food served, whichever is the most stringent. Such records are subject to review by the Township. Township personnel may make periodic inspections of the installed facilities and associated records to assure proper installation, maintenance and disposal procedures are being practiced.

§ 114-13. Oil/water separator requirements.

- A. Oil/water separators shall be installed at existing automotive repair facilities and car washes if the potential exists for petroleum oils to be discharged to the sewer system via floor drains. New facilities of this type are prohibited from installing floor drains that are connected to the sewer system. The type and size of oil/water separator shall be determined by the owner and approved by the Township prior to installation.
- B. Oil/water separators shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense. The owner shall be responsible for the proper removal and disposal of the captured material from oil/water separators, and shall maintain records of the dates and means of disposal. Such records are subject to review by the Township. Township personnel may make periodic inspections of the installed facilities and associated records to assure proper installation, maintenance and disposal procedures are being practiced.

§ 114-14. Change in ownership or tenancy.

The Township shall be contacted by the owner of improved property that is connected to the sewer system prior to any change in ownership of property or any change in the type of service.

ARTICLE IV

Extensions and Additions to Sewer System

§ 114-15. Extensions made by builder, developer and other person.

- A. In cases when a builder, developer or other person desires the sewer to be furnished to a development or specific area, but the Township declines to provide such extension at Township expense, the builder, developer or other person may elect to construct the sewer extension at his own expense. These extensions shall be designed and constructed in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.
- B. The builder, developer or other person shall obtain all necessary permits from the pertinent regulatory agencies for the construction, including the DEP planning modules. Plans and specifications shall be submitted to the Township for approval prior to any construction in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.
- C. Before construction has commenced, the applicant shall post financial security with the Township in an amount established by the Township to insure payment of all obligations relating to the proposed installation, including the estimated construction costs and the estimated amount to be paid to the Township for the cost of inspecting and the cost of replacing or repairing any part of the extension that has not been constructed in a manner satisfactory to the Township. The applicant may also provide a letter of credit to the Township in the amount as determined above, provided the letter of credit is satisfactory to and in a form approved by the Township. The property owner or developer shall assume all costs associated with the posting and release of financial security.
- D. A sewer extension agreement shall be executed between the applicant and Township under which the applicant agrees to offer to the Township a deed of dedication to the collection system to be installed upon completion of the sewer extension. The sewer extension agreement is an irrevocable offer of dedication of facilities. Such deed shall convey all right, title and interest in the collection lines to the Township free and clear of all encumbrances and charges. The Township agrees to accept such deed of dedication upon completion, provided:
 - (1) The location, plans and specifications for the sewer facilities are approved by the Township or its representative prior to the start of construction.
 - (2) Approval of grades and locations has been obtained from appropriate governmental agencies.
 - (3) Sewer facilities have been constructed in accordance with the approved plans and specifications.
 - (4) Inspection by the Township or its representative is permitted during all stages of

construction, during which the developer shall comply with reasonable requests of the Township or its representative, as to advance notice of time when inspection is to be made.

- (5) The developer shall cooperate with and assist the Township in obtaining the necessary highway road occupancy permits from PennDOT or the appropriate municipality for the laying of sewer mains in public highways. The developer shall pay all expenses relative to compliance with state and local requirements, and shall hold the Township harmless from any costs, including inspection fees, relative to state and local requirements.
 - (6) A final inspection has been performed by the Township or its representative, and all sewer mains and appurtenances are found to be operational and in good repair.
 - (7) All streets within which sewer mains and appurtenances to be dedicated to the Township have been installed, have finished paving and have been dedicated to the municipality.
 - (8) The Township has voted to accept dedication.
 - (9) Sewer service may be permitted before final dedication provided an engineering statement of acceptability has been received from the Township Engineer.
- E. The financial security shall not be released in entirety until the improvements are completed to the satisfaction of the Township, including all final adjustments to grade, acceptance of a deed of dedication by the Township, and posting of security to guarantee the installed improvements for a maintenance period of eighteen (18) months commencing from the date of the acceptance of the deed of dedication. The amount of the maintenance guaranty shall be fifteen percent (15%) of the actual cost to install the improvements. The owner or developer shall specify an estimated date for completion of the improvements. The security posted, less any authorized reductions, shall remain in place through the date of completion.
- F. The financial security shall assure completion of all improvements, which are intended to be dedicated to the Township. The acceptance of this financial security shall in no way bind the Township to complete these improvements that are typically the responsibility of the owner or municipality, such as, but not limited to, installation of sewer laterals or mains, or roadway surfacing above subgrade. Where improvements are not completed in compliance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System and/or the development plan, the Township shall pursue completion of the improvements and enforcement of the financial security.
- G. When a service connection is made to the sewer system or an extension of a sewer main is to be made to serve a development, the owner or developer is required to extend the sewer mains along streets and/or easements and through property, which is to be served or is subject to the approved development plan, to the farthest limit of the property from the end of the existing sewer facilities to be extended.

ARTICLE V
General Sewer Use Requirements

§ 114-16. General prohibited discharge standards.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements.

§ 114-17. Specific prohibited discharge standards.

These specific prohibitions apply to all users of the POTW, whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

- A. Any 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 create a hazard of fire or explosion, or to be injurious in any other way to the POTW, or to the operation of the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F.) or sixty degrees Centigrade (60° C.) using the test methods specified in 40 CFR § 261.21. At no time shall two (2) successive readings on an explosion-hazard meter at the point of discharge into the sewer system (or at any point in the sewer system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Except as otherwise provided by the Township, prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which is a fire hazard or a hazard to the sewer system.
- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interferences with the operation of the POTW, such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.
- C. Any wastewater having a pH less than six point zero (6.0) or more than ten point zero (10.0), or otherwise causing corrosive structural damage to the POTW or equipment.
- D. Any wastewater containing pollutants in sufficient quantity, which either singly or by interaction with other pollutants, injures or interferes with any wastewater treatment process, constitutes a hazard to humans and animals, creates a toxic effect in the receiving waters of the POTW, or exceeds the limitations set forth in a federal categorical pretreatment standard.
- E. Any pollutants which result in the presence of toxic gases, vapors or fumes within the

POTW facilities in a quantity that may cause acute worker health and safety problems or any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance or repair.

- F. Any substance that may cause the POTW effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation or reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the sewer system cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act⁸ or state criteria applicable to the sludge-management method being used. [Amended 3-18-2013 by Ord. No. 169]
- G. Any substance that will pass through, and as a result, cause the POTW to violate its NPDES permit. [Amended 3-18-2013 by Ord. No. 169]
- H. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds one hundred four degrees Fahrenheit (104° F.) or forty degrees Centigrade (40° C.). [Amended 3-18-2013 by Ord. No. 169]
- J. Oils and greases, including petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, in amounts greater than 100 mg/L, and/or fats, oils and greases of animal and vegetable origin, in amounts greater than 200 mg/L; or contain substances that may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32° F.) or zero degrees Centigrade (0° C.) and one hundred fifty degrees Fahrenheit (150° F.) or sixty-five degrees Centigrade (65° C.); or in quantities that would cause operational or other problems to the POTW or Township wastewater collection system. In no case shall fats, oils and greases be discharged at a level that, alone or in conjunction with discharges from other sources, will cause interference or pass through. [Amended 3-18-2013 by Ord. No. 169]
- K. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration that cause interference to the POTW.
- L. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- M. Any wastewater that causes a hazard to human life or creates a public nuisance.
- N. Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, swimming pool drainage, cooling water, unpolluted industrial or nonresidential process water. The discharge of cooling water from air-conditioning units with cooling towers or recirculating systems or those units using flow-through or unrecirculating systems is prohibited.

8. Editor's Note: See 42 U.S.C. § 6901 et seq.; 42 U.S.C. § 7401 et seq.; and 15 U.S.C. § 2601 et seq., respectively.

- O. Detergents, surface-active agents or other substances that may cause excessive foaming in the POTW.

§ 114-18. Federal categorical pretreatment standards.

The federal categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, §§ 405-471, are hereby incorporated.

- A. When regulated wastestreams, subject to a categorical standard, are mixed with unregulated wastestreams, the Authority may impose alternate limits using the combined wastestream formula found in 40 CFR § 403.6(e).
- B. Where a categorical standard is expressed only in terms of either mass or concentration for a pollutant, the Authority may impose equivalent concentration or mass limits in accordance with 40 CFR § 403.6(c).
- C. A user may obtain a variance from a categorical standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR § 403.15.
- E. Where there is a conflict between federal, state or local pretreatment standards, the more stringent pretreatment standard shall apply.

§ 114-19. Specific pollutant limitations. [Amended 3-18-2013 by Ord. No. 169]

The Township may establish additional limitations, as deemed necessary, to protect against pass through and interference, and to protect the sludge quality. Limits may be allocated on an individual basis to the industrial users and defined through wastewater discharge permits.

§ 114-20. Right of revision.

The Township reserves the right to establish through a wastewater discharge permit more stringent limitations or requirements on discharges to the sewer system, if deemed necessary and appropriate, to comply with the objectives presented in this chapter.

§ 114-21. Dilution.

No user shall ever increase the use of process water, or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

§ 114-22. Pretreatment facilities.

- A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards, local limits and the prohibitions set out in §§ 114-16 and 114-17 of this article. Any facilities

required to pretreat wastewater to a level acceptable to the Township shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review, and shall be subject to Township approval before construction of the facility. The Township does not by its approval of any of the designs or installation of the plans and equipment, or of any other information or plans submitted by a user, warrant or aver in any manner that the user's implementation of such measures will result in compliance with the applicable pretreatment requirements. Notwithstanding any approval of such plans by the Township, the user remains solely responsible for compliance with the applicable pretreatment requirements and all other federal, state and local requirements. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Township under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Township prior to the user's initiation of the changes.

- B. The user shall at all times properly operate and maintain all pretreatment facilities and systems of treatment and control (and related appurtenances) which are installed or used by the user to achieve compliance with pretreatment requirements. This includes adequate laboratory controls and appropriate quality-assurance procedures, the operation of backup or auxiliary facilities, or similar systems which are installed by the user only when the operation is necessary to achieve compliance. The intentional diversion of wastestreams from any portion of the user's treatment facility is prohibited, except as provided by § 114-53B of this chapter.

§ 114-23. Additional pretreatment requirements.

Whenever deemed necessary, the Township may require a user to restrict its discharge during peak flow periods; to discharge at a consistent flow rate; to discharge certain industrial wastewaters only into specific sewers; to relocate and/or consolidate points of discharge; to separate domestic wastewater from industrial wastewater; and to perform and maintain such other conditions as may be necessary to protect the POTW and to determine the user's compliance with the requirements of this chapter.

§ 114-24. Accidental discharge/slug control plans.

Upon notification from the Township, a user shall provide protection from accidental and slug discharges of prohibited materials or other substances regulated under this chapter or federal or state regulations. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review and shall be subject to Township approval before construction of the facility. A user shall develop and implement an accidental discharge/slug control plan when designated by the Township. An accidental discharge/slug control plan shall address, at a minimum, the following provisions:

- A. Description of discharge practices, including nonroutine batch discharges.

- B. Description of stored chemicals.
- C. Procedures for immediately notifying the Township of any accidental or slug discharge, as required by § 114-38 of this chapter.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents and/or measures and equipment for emergency response.
- E. Such other conditions as deemed appropriate by the Township.

§ 114-25. Hauled waste. [Amended 3-18-2013 by Ord. No. 169]

The Township accepts hauled waste of domestic origin at the Authority's wastewater treatment plant. The Township may decide to accept hauled waste from outside of the service area. The Township will establish fees for hauled waste as specified in the Schedule of Fees and Charges.⁹ Haulers must establish an account with the Township prior to hauling waste to the POTW. Hauled waste will only be accepted at the POTW at such times as are established by the Township. Discharge of hauled waste into the sewer system at any other location is not allowed. Such waste shall not violate this chapter or any other requirements established by the Township.

ARTICLE VI
Wastewater Discharge Permits

§ 114-26. Waste survey.

When requested by the Township, all nonresidential users must submit information on the nature and characteristics of their wastewater by completing a waste survey within thirty (30) days of the request. The Township may periodically require users to update the survey.

§ 114-27. Permit requirements.

- A. No significant industrial users (SIU) shall discharge wastewater into the sewer system without first obtaining a wastewater discharge permit from the Township, except when a significant industrial user has filed a timely permit application pursuant to Subsections B and C of this section, then the SIU may continue to discharge for the time period specified therein.
- B. Any significant industrial user which discharges industrial wastewater into the sewer system prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Township for a wastewater discharge permit in accordance with § 114-28 of this article, and shall not cause or allow discharges to the sewer system to continue after one hundred eighty (180) days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Township.

9. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

- C. Any significant industrial user proposing to begin or recommence discharging industrial wastewater into the sewer system must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit shall be filed at least sixty (60) days prior to the date upon which any discharge is expected to begin.
- D. The Township may require other nonresidential users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter. In any case, the owner or his agent shall complete a permit application furnished by the Township when requested.
- E. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the user to the sanctions set out in §§ 114-51 and 114-52 of this chapter. Obtaining a wastewater discharge permit does not relieve the user of its obligation to comply with all federal, state and local pretreatment standards or requirements. Compliance with a wastewater discharge permit will not be a defense for a user's failure to comply with applicable federal, state or local requirements.

§ 114-28. Permit application.

- A. Users required to obtain a wastewater discharge permit shall complete and file with the Township an application in the form prescribed by the Township, and accompanied by the required permit fee. In support of the application, the user shall submit in units and terms appropriate for evaluation, information including, but not limited to, the following: name, address and location; NAICS number, according to the North American Industry Classification System, United States, 1997 Manual, Office of Management and Budget; description of activities, facilities and plant processes on the premises, including all materials used or stored at the facility, which are or could be discharged to the sewer system; water use and disposal; time and duration of contribution; average daily wastewater flow rates, including seasonal variations, if any; each product manufactured by type, amount, process or processes, and rate of production; type and amount of raw materials processed; number and type of employees, hours of plant operation, and proposed or actual hours of operation of pretreatment system; wastewater constituents and characteristics as determined by a reliable analytical laboratory; site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains and appurtenances by size, location and elevation; the nature and concentration of any pollutants in the discharge which are limited by any local, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards and the shortest schedule by which the user will provide such additional pretreatment; and any other information as may be deemed by the Township to be necessary to evaluate the permit application. The permit application shall be signed by an authorized representative of the user.
- B. Applications that are incomplete or believed to be inaccurate will not be processed and will be returned to the user for revision.

§ 114-29. Application and reporting signatories and certification.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

§ 114-30. Decisions.

The Township will evaluate the data furnished by the user and may require additional information. The Township may request additional information, issue a wastewater discharge permit or deny any application for a wastewater discharge permit.

§ 114-31. Conditions.

Wastewater discharge permits are subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Township.¹⁰ In addition, wastewater discharge permits may include such conditions as are reasonably deemed necessary by the Township to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality and protect against damage to the POTW. Wastewater discharge permits may contain the following conditions:

- A. A statement that indicates the wastewater discharge permit duration, which in no event shall exceed five (5) years.
- B. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Township, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- C. Effluent limits based on applicable pretreatment standards.
- D. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of pollutants to be monitored, sample location, sample frequency and sample type based on federal, state and local law.
- E. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, any applicable compliance schedule and any other requirement set forth in this chapter. Such schedule may not extend the time for compliance beyond that required by applicable federal, state and local law.
- F. Limits on average and/or maximum rate and time of discharge and/or requirements for

10. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

flow regulations and equalization.

- G. Limits on the average and/or maximum wastewater constituent concentrations, mass or other measure of identified wastewater pollutants or properties, and limits on the location of discharge points.
- H. Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
- I. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.
- J. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the sewer system.
- K. Requirements for the installation and proper operation and maintenance of a user's treatment facility, inspection and sampling facilities, and other equipment; and notification to the Township regarding the failure of such facilities and equipment.
- L. Requirements for maintaining and affording Township representatives, including contractors, access to a user's property and plant records relating to discharges.
- M. Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents.
- N. A statement that compliance with the wastewater discharge permit does not relieve the user of the responsibility for compliance with all applicable pretreatment standards, including those that become effective during the term of the wastewater discharge permit.
- O. Other conditions as deemed appropriate by the Township to ensure compliance with this chapter, and state and federal laws, rules and regulations, or as otherwise deemed necessary to protect the sewer system, the POTW, sludge quality, human health and the environment.
[Amended 3-18-2013 by Ord. No. 169]

§ 114-32. Issuance process.

- A. Permit duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than five (5) years at the discretion of the Township.
- B. Permit appeals. Any person, including the user, may petition the Township to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance or modification. Such petition must be in writing and must clearly state all facts on which it relies. Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. If the appeal is for a modified permit, only the modified permit conditions shall be subject to appeal. The

effectiveness of the wastewater discharge permit shall not be stayed pending the appeal. If the Township fails to initiate action to reconsider the decision within forty-five (45) days, a request for reconsideration shall be denied. Decisions not to reconsider a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered a final administrative action for purposes of judicial review.

- C. Permit modifications. The terms and conditions of the wastewater discharge permit may be subject to modification by the Township during the term of the permit for cause. Changes or new conditions in the wastewater discharge permit may include a reasonable time schedule for compliance as authorized by applicable law and as determined by the Township. Causes for modification to a permit include, but are not limited to, the following:
- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements.
 - (2) To address alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (4) Information indicating that the permitted discharge, either singly or by interaction with other discharges, poses a threat to the sewer system, the POTW, Borough or Township personnel or the receiving waters, or may cause the POTW to be in violation of its NPDES permit. [Amended 3-18-2013 by Ord. No. 169]
 - (5) Violation of any terms or conditions of the wastewater discharge permit.
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
 - (7) Revision of or a grant of variance from categorical standards pursuant to 40 CFR § 403.13.
 - (8) To correct typographical or other errors in the wastewater discharge permit.
 - (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
 - (10) Any cause identified in Subsection E of this section.
- D. Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without at least thirty (30) days advance notice to the Township and Township approval of the wastewater discharge permit transfer. The notice to the Township must include a written certification by the new owner and/or operator, which provides the name and address of the facility including the name of the new owner and/or operator, states that the new owner and/or operator have no immediate intent to change the facility's operations and processes, identifies the specific date on which the transfer is to occur and acknowledges full responsibility for complying with the existing wastewater discharge permit. In addition,

any proposed transfer shall include a written agreement between the existing user and the new user regarding a proposed date for transfer of permit responsibility, coverage and liability between them. Failure to provide advance notice of a transfer renders the wastewater discharge permit void on the date of facility transfer. The Township may modify or terminate a transferred permit as set forth in Subsections C and E of this section.

E. Permit termination.

- (1) The Township may revoke or terminate a wastewater discharge permit for cause, including, but not limited to, the following reasons:
 - (a) Failure to notify the Township of significant changes in the operation or wastewater volume, constituents and characteristics prior to discharge.
 - (b) Failure to provide prior notification to the Township of changed conditions pursuant to § 114-37 of this chapter.
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or reports.
 - (d) Falsifying monitoring reports.
 - (e) Tampering with monitoring equipment.
 - (f) Refusing to allow the Township or its representative timely access to the facility premises and records.
 - (g) Failure to meet effluent limitations.
 - (h) Failure to timely pay fines.
 - (i) Failure to timely pay sewer rentals and charges.¹¹
 - (j) Failure to meet compliance schedules.
 - (k) Failure to complete a waste survey or wastewater discharge permit application.
 - (l) Failure to provide advance notice of the transfer of a permitted facility.
 - (m) Violation of any pretreatment standard or requirement, or any conditions of the wastewater discharge permit or this chapter.
 - (n) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge. [Amended 3-18-2013 by Ord. No. 169]
 - (o) Information indicating that the permitted discharge, either singly or by interaction with other discharges, poses a threat to the sewer system, the POTW, Borough or Township personnel or the receiving waters, or may cause the POTW to be in violation of its NPDES permit. [Amended 3-18-2013 by Ord. No. 169]
- (2) Wastewater discharge permits shall be void by the Township for nonuse, cessation of

11. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. A user may be notified of the proposed termination of its wastewater discharge.

- F. Permit reissuance. Except as otherwise approved by the Township, a user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. Notwithstanding any other provision in this chapter, if a user filed a timely and complete application and the Township, through no fault of the user, has not reissued the wastewater discharge permit prior to the expiration date, the conditions of the existing wastewater discharge permit shall continue until such time the Township has issued another permit.

ARTICLE VII

Industrial Monitoring and Reporting Requirements

§ 114-33. Baseline monitoring report (BMR). [Amended 3-18-2013 by Ord. No. 169]

Within either one hundred eighty (180) days after the effective date of a federal categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR § 403.6(a)(4), whichever is later, existing categorical significant industrial users subject to such categorical standards, and currently discharging to or scheduled to discharge to the sewer system, shall submit to the Borough or Township, a baseline monitoring report (BMR), which contains the information listed in 40 CFR § 403.12(b) and in this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical SIUs subsequent to the promulgation of an applicable categorical standard, shall submit to the Borough or Township, a BMR which contains the information listed in 40 CFR § 403.12(b) and in this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards, and shall also provide estimates of its anticipated flow and quantity of pollutants to be discharged. Categorical SIUs shall submit the following information for a BMR:

- A. The name and address of the facility, including the name of the operator and owner.
- B. A list of any environmental control permits held by or for the facility.
- C. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by the categorical SIU. This description should include a schematic process diagram, which indicates points of discharge to the sewer system from the regulated processes.
- D. Information showing the measured average daily and maximum daily flow, in gallons per day, to the sewer system from regulated process wastestreams and other wastestreams, as necessary, to allow use of the combined wastestream formula, as established in 40 CFR § 403.6(e).
- E. The federal categorical pretreatment standards applicable to each regulated process and the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the categorical standard or by the Borough or Township, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and

long-term average concentrations, or mass, where required, shall be reported. At least one (1) sample representative of daily operations shall be provided with the BMR and shall be analyzed in accordance with procedures found in § 114-40B of this chapter. Sampling shall be performed in accordance with procedures found in § 114-40A of this chapter. The BMR shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the sewer system.

- F. For existing sources, a certification statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- G. For existing sources, if additional pretreatment and/or O&M will be required to meet the pretreatment standards and requirements, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or requirement. A compliance schedule shall meet the requirements set out in § 114-34 of this chapter.
- H. All BMPs shall be signed and certified in accordance with § 114-29 of this chapter.

§ 114-34. Compliance schedule progress report.

The following conditions shall apply to the schedule required by §§ 114-28 and 114-33 of this chapter:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards and requirements. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation.
- B. No increment referred to in Subsection A of this section shall exceed nine (9) months.
- C. The user shall submit a progress report to the Township no later than fourteen (14) days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return to the established schedule.
- D. In no event shall more than nine (9) months elapse between such progress reports to the Township.

§ 114-35. Reports on compliance with categorical pretreatment standard deadline. [Amended 3-18-2013 by Ord. No. 169]

Within ninety (90) days following the date for final compliance with applicable categorical standards, or in the case of a new source following commencement of the introduction of wastewater into the sewer system, any user subject to such pretreatment standards and requirements shall submit to the Borough or Township a report containing the information described in § 114-33D through F of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR § 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with § 114-29 of this chapter.

§ 114-36. Periodic compliance reports.

- A. All significant industrial users subject to a categorical standard or any other pretreatment standard shall submit periodic compliance reports to the Township in accordance with 40 CFR § 403.12(e), (g) and (h), as applicable, during the months of June and December, unless required more frequently in the pretreatment standard or by the Township, indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards. Both daily maximum and average concentrations shall be reported. In addition, the report shall include a record of the measured or estimated average and maximum daily flows for the reporting period. At the discretion of the Township and in consideration of such factors as local high- and low-flow rates, holidays, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports shall be signed and certified in accordance with § 114-29 of this chapter.
- B. The Township may impose mass limitations on users where the imposition of mass limitations is deemed appropriate. In such cases, the report required by Subsection A of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the Township, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable pretreatment standard or by the Authority.
- C. Categorical industrial users subject to equivalent mass or concentration limits established by the Township, in accordance with 40 CFR § 403.6(c), shall include in the periodic compliance report a reasonable measure of the user's long-term production rate. Categorical industrial users subject to federal categorical pretreatment standards, which are expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), shall include in the periodic compliance report the user's actual average production rate for the reporting period.

§ 114-37. Report of changed conditions.

- A. Each user shall notify the Township of any planned, significant changes to the user's operation or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change occurs. This notification requirement includes anticipated changes in user production which can reasonably be expected to impact the POTW.
- B. The Township may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 114-28 of this chapter.
- C. The Township may issue a wastewater discharge permit under § 114-30 of this chapter or modify an existing wastewater discharge permit under § 114-33C of this chapter in response to changed conditions or anticipated changed conditions.
- D. No user shall implement the planned changed condition(s) until and unless the Township has responded to the user's notice. The Township may require the user to undertake a compatibility study to demonstrate to the satisfaction of the Township that the wastewater to be discharged is compatible with the POTW, will not affect any requirements imposed upon the POTW (including sludge disposal requirements), and will not otherwise adversely affect the wastewater treatment plant. [Amended 3-18-2013 by Ord. No. 169]
- E. For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

§ 114-38. Report of potential problems.

- A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, which may cause potential problems for the POTW, the user shall immediately telephone and notify the Township of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. The notification hereunder does not authorize or otherwise condone a discharge in violation of this chapter, a wastewater discharge permit or other applicable federal, state or local requirements.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Township, submit a detailed written report describing the cause(s) of the discharge and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, damage, loss or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law. The written report shall be signed by an authorized representative of the user.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection A of this section. Employers shall ensure that all employees, who may cause such a discharge to

occur, are advised of the emergency notification procedure.

§ 114-39. Notification of hazardous waste discharge.

A. Notification and information required.

- (1) Any user who commences discharging after the date of enactment of this chapter establishing this requirement shall notify the Township, the EPA Regional Waste Management Division Director and DEP Waste Management authorities in writing, in accordance with 40 CFR § 403.12(p), of any discharge into the sewer system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR § 261. Such notification shall include the name of the hazardous waste as set forth in 40 CFR § 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other).
- (2) If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the sewer system, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
- (3) All notifications under this section shall take place immediately or no later than one hundred eighty (180) days after the discharge commences, whichever is later. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted under § 114-37 of this chapter. This notification requirement does not apply to pollutants already reported by users subject to federal categorical pretreatment standards under the monitoring requirements of §§ 114-33, 114-35 and 114-36 of this chapter.

B. Dischargers are exempt from the requirements of Subsection A of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the Township, the EPA Regional Waste Management Waste Division Director, and DEP Waste Management authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

- E. This provision does not create a right to discharge any substance not otherwise permitted for discharge by this chapter, a wastewater discharge permit issued hereunder or any applicable federal or state law.

§ 114-40. Compliance monitoring.

- A. Sample collection. Samples for cyanide, oil and grease, ph, phenols, sulfides, temperature and volatile organic chemicals shall be obtained using grab collection techniques. Grab samples may also be used for any pollutant subject to an instantaneous maximum limitation. All other wastewater compliance-monitoring samples shall be collected using flow-proportioned composite collection techniques. In the event flow-proportioned sampling is not feasible, the Township may authorize the use of time-proportional sampling or grab samples where the user demonstrates that the grab samples will provide a representative sample of the effluent being discharged. If grab samples are used for BMR reporting under § 114-33 of this chapter, a minimum of four (4) grab samples must be used.
- B. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as a part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR § 136, as amended, unless otherwise specified in an applicable federal categorical pretreatment standard. If 40 CFR § 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the Township and the EPA.
- C. Representative sampling. All wastewater samples shall be representative of the user's discharge. Wastewater-monitoring and flow-measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep his monitoring facility in good working order shall not be grounds for the user to claim the sample results are unrepresentative of the discharge.
- D. Sampling frequency. The user shall ensure that an adequate number of samples are collected and analyzed to determine that the process discharge equipment is operating properly and that the wastewater discharge does not violate pretreatment effluent limitations. Except as otherwise provided, significant industrial user sampling for determining compliance shall be collected at least once every six (6) months and analyzed for applicable pollutants. The Township reserves the right to require sampling more frequently than set forth herein.
- E. Reporting of increased sampling results. If a user subject to the reporting requirements of this chapter or a wastewater discharge permit monitors any pollutant more frequently than required by the Township, using the procedures prescribed in Subsection B of this section, results of this monitoring shall be included in a periodic compliance report.
- F. Repeat sampling and reporting. If sampling performed by a user indicates a violation, the user shall notify the Township within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Township within thirty (30) days after becoming aware of the violation. The Township may waive the resampling requirement if the Township monitors the user's wastewater discharge at least once a month, or if the Township samples between

the user's initial sampling and when the user receives the results of this sampling.

- G. Recordkeeping. Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying, all records and information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user, or where the user has been notified, by the Township, of a longer retention period.
- H. Right of entry. The Township shall have the right to enter the premises of any user to ascertain whether the user is complying with all requirements of this chapter and any wastewater discharge permit issued hereunder. Users shall allow the Township or its representative ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, measurement, testing, records examination and copying, or as necessary for the performance of any additional duties. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Township or its representatives will be permitted to enter without delay for the purposes of performing specific responsibilities.
- I. Inspection and sampling. The Township shall have the right to set up on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations as follows:
 - (1) The Township may require the user to install monitoring facilities, as necessary, to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring equipment should normally be situated on the user's premises, but the Township may, in its sole discretion, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so as not to be obstructed by landscaping or parked vehicles. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Township and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - (2) A monitoring structure shall be constructed at a site and in a manner as approved by the Township. The Township may require that the monitoring structure be equipped with permanent-type flow measuring, sampling, monitoring, controlling or other devices of a type approved by the Township. Plans and specifications for the construction of the monitoring structure and all required devices shall be submitted to and approved by the Township prior to beginning construction.
 - (3) The user shall, upon notification from the Township, install, maintain and operate a flow-monitoring system with a totalizer and any necessary appurtenances required to make the system functional. The user shall, upon notification from the Township,

install, maintain and operate automatic sampling equipment.

- (4) The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.
- J. Search warrants. If the Township has been refused access to a building, structure or property or any part thereof, and if the Township has demonstrated probable cause to believe that a violation of this chapter exists, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this chapter or a wastewater discharge permit issued hereunder, or to protect the overall health, safety and welfare of the community, then the Township may seek issuance of a search warrant from the Court of Common Pleas of Lebanon County. Such search warrant shall be served at reasonable hours by the Township in the company of a law enforcement officer. In the event of an emergency affecting the public health and safety, inspections shall be made without the issuance of a warrant.

§ 114-41. Public notification; significant noncompliance.

The Township may publish on an annual basis, or more frequent basis as it deems appropriate, a list of the users which are in significant noncompliance (SNC) with applicable pretreatment standards or requirements during the previous twelve (12) months. The Township shall not be liable for any damages of any sort suffered by any user or owner as a result of such publication. Nor shall the Township incur any liability through publication of incorrect information where such information was believed accurate when published or was the result of administrative or typographical error. The term "significant noncompliance" is defined as the following:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a six-month period exceed the daily maximum limit or the average monthly limit for the same pollutant parameter by any amount.
- B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average monthly limit multiplied by the applicable criteria [TRC = one point four (1.4) for BOD, oil and grease and TSS, and one point two (1.2) for all other pollutants except pH].
- C. Any other discharge violation that the Township determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of Township personnel or the general public.
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Township's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit for starting construction, completing

construction or attaining final compliance.

- F. Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical standard deadlines, periodic compliance reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.

§ 114-42. Duty to provide information/confidential information.

- A. The industrial user shall furnish the Township, within a reasonable time, any information which the Township may request to determine whether cause exists for modifying, reissuing, suspending or terminating a wastewater discharge permit, or to determine user pretreatment compliance. The user shall also furnish to the Township upon request, copies of any records required under this chapter. Where the user becomes aware that it failed to submit any relevant facts in an application for a wastewater discharge permit, or submitted incorrect information in an application for a wastewater discharge permit, a report to the Township or in any other correspondence pertaining to its industrial wastewater discharge, it shall promptly submit such facts or information.
- B. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction, unless the user specifically requests confidentiality and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data to the Township.
- C. When requested and demonstrated by the user furnishing a report that such information shall be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program and in enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics as defined by 40 CFR § 2.302 will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE VIII

Rates, Charges and Fees ¹²

§ 114-43. General.

- A. The Township shall establish and revise, as necessary, such rates, charges and fees for the cost-effective operation and maintenance of the sewer system. Such rates, charges and fees shall be established by resolution and in conformance with local, state and federal laws and regulations.
- B. Sewer rental or charges are imposed upon and shall be collected from the owner of each

12. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

improved property connected to the sewer system and any billing unit for their use of the sewer system, and not a tenant or agent of the owner, shall be responsible for the payment of all rates, charges and fees of the Township for use of the sewer system. [Amended 5-18-2009 by Ord. No. 151; 7-16-2012 by Ord. No. 165]

- C. The Township shall establish and revise, as necessary, such rates, charges and fees for hauled waste. Such rates, charges and fees shall be established by resolution. [Added 3-18-2013 by Ord. No. 169]

§ 114-44. Connection charges and tapping fees.

- A. Connection and tapping fee charges (pursuant to Act 209 of 1990¹³) are imposed for each connection made to the sewer system. Such fees shall be based on the adopted Schedule of Fees and Charges¹⁴ at the time of payment and shall be payable at the time of application for connection or at such other time as the owner and the Township agree, or, in the case of projects to service existing development, such fees shall be payable at a time to be determined by the Township. The fees are in addition to any charges assessed against the property for construction of a sewer main by the Township as well as any sewer rentals imposed by the Township.
- B. These fees may consist of any or all of the following components as applicable:
- (1) Connection fee. A connection fee shall be imposed for all service laterals installed between a sewer main and property line or curb stop of the property so connected by or at the expense of the Township. This fee is based upon the costs to the Township of making such an installation. The connection fee may also be based on the average cost of previously installed connections of similar type and size. However, in no event shall the fee exceed the actual cost of installation.
 - (2) Customer facilities fee. A customer facilities fee is based on the actual costs of facilities serving the connected property from the property line or curb stop to the proposed building to be served and is only chargeable if the Township installs the customer facilities. The customer facilities fee includes an administrative fee, which includes the establishment of a new account.
 - (3) Tapping fee. A tapping fee is based on all of the following fee components as applicable and as determined through a capital charges study:
 - (a) Capacity part. The capacity part of the tapping fee is based upon the cost of such facilities, including, but not limited to, treatment, pumping, interceptor and outfall mains, sludge treatment or disposal, or other general system facilities. This fee may include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost and may only be taken into consideration if the Township has taken action to construct or acquire such facilities.

13. Editor's Note: See 53 P.S. § 10501-A et seq.

14. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

- (b) Collection part. The collection part of the tapping fee is based on the cost of wastewater collection facilities required to provide service, such as sewer mains and pump stations. This fee may include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost.
- (c) Special purpose part. The special purpose part of the tapping fee is applicable only to a particular group of customers, serving a particular purpose, or serving a specific area, and is based on the cost of such facilities, including, but not limited to, industrial wastewater treatment facilities. This fee may include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost.
- (d) Reimbursement part. The reimbursement part of the tapping fee is imposed only in those cases where it is necessary to recover costs to reimburse property owners at whose expense such facilities were constructed, as provided by Section (z) of Act 209 of 1990.¹⁵

§ 114-45. Reserve capacity charges.

- A. The owner of property proposed for future improvement may request a sewer reservation from the Township by submitting a signed sewer capacity reservation agreement. A sewer reservation may be made in the name of the owner of the land proposed for improvement for a bona fide development project and shall not be transferable to any other property. [Amended 5-18-2009 by Ord. No. 151]
- B. Sewer reservations shall be allowed only upon determination by the Township that the requested capacity is available in the sewer system. Sewer reservations shall not be deemed to waive or diminish compliance with any other requirements for approvals or permits needed for a sewer system connection or extension as found in Articles III and IV of this chapter.
- C. A sewer reservation agreement, together with financial security, such as cash or a letter of credit, to pay the associated reserve capacity charges, shall remain in effect until the associated property, which may mean the entire property if only a single unit is to be connected, or individual units or lots in the case of a multiunit or multiunit development, is connected to the sewer system, or for a period of five (5) years, whichever is shorter.

§ 114-46. Sewer billings.

- A. Imposition of rentals. Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property within the Township sewer service area, which are connected to the sewer system. Sewer rentals or charges shall commence and shall be effective as of the date of connection to the sewer system where the volume of water shall not be metered in connection with the water system. Where volume of water shall be

15. Editor's Note: See 53 P.S. § 10501-A et seq.

metered in connection with the water system, the sewer rentals or charges shall commence and shall be effective as of the date of connection to both the water system and sewer system.

- B. Responsibility of payment. All sewer accounts shall be in the name of the owner of the improved property. The owner shall be responsible for payment of the sewer billings. The owner is responsible to provide the correct mailing address to the Township. Failure of any person to receive monthly sewer bills shall not be a justified reason for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable. The owner is also responsible to notify the Township if a transfer of property ownership is to occur. The Township or its agent will calculate charges between former and current owners if notified prior to the transfer. A transfer fee may be assessed in accordance with the Schedule of Fees and Charges. In all cases, the current owner shall be responsible for all charges due on account. [Amended 7-16-2012 by Ord. No. 165]
- C. Sewer rentals or charges shall be billed on a monthly basis and are due and payable within the due date set forth on the monthly invoice. [Amended 5-18-2009 by Ord. No. 151]
- D. Sewer rentals for metered users of the water system are imposed on the basis of a base rate and total metered water use for each month. Each cost shall be as specified in the Schedule of Fees and Charges. [Amended 5-18-2009 by Ord. No. 151]
- E. Sewer rentals for metered users of the sewer system are imposed on the basis of a base rate and total metered wastewater discharged each month. Each cost shall be as specified in the Schedule of Fees and Charges. [Amended 5-18-2009 by Ord. No. 151]
- F. Sewer rentals for non-metered users of the sewer system are imposed on the basis of a base rate and Township estimates of wastewater discharged each month. A sewer rental is imposed as specified in the Schedule of Fees and Charges. [Amended 5-18-2009 by Ord. No. 151]
- G. The Township may require the owner of a commercial, institutional or industrial establishment to install a meter for measuring the wastewater discharged to the sewer system from that establishment at the expense of the owner. The meter and subsequent installation shall be acceptable to the Township. The owner shall maintain the meter and make any necessary repairs at the owner's expense.
- H. Actions by owners, or by any other persons, such as, but not limited to, tampering with a meter, modifying a meter reading, bypassing a meter and similar acts such as theft, may be subject to enforcement action by the Township. [Amended 5-18-2009 by Ord. No. 151]
- I. The Township may charge for services rendered at the request of the customer for such items that include, but may not be limited to, research of historical billing information. The amount charged shall equal the actual cost, the cost of any materials used, the cost of labor and a 10% administration fee.
- J. Whenever a potential user, not required to connect to the sewer system, desires to provide a connection to the sewer system during construction of a sewer extension, but will not connect a lateral to the building immediately, the connection shall be made by the Township upon application by the owner and payment of the requisite fees. After

connection to the sewer system, but before connection to a building, the owner shall pay an inspection fee in accordance with the Schedule of Fees and Charges.¹⁶ At the time of connection to a building, the owner shall also pay a connection fee for new wyes and any necessary customer facility fees.

§ 114-47. Delinquent bills. [Amended 6-21-2004 by Ord. No. 132; 5-18-2009 by Ord. No. 151]

- A. If payment has not been received by the Township or its agent by the due date stated in § 114-46(C) of this chapter, an interest charge of one and one-half percent (1 1/2%) per month after the due date shall be added to the entire bill. [Amended 7-16-2012 by Ord. No. 165]
- B. Notice and lien. [Amended 1-4-2010 by Ord. No. 155]
 - (1) All sewer rentals and charges imposed which are not paid by the due date as provided in Subsection A of this section, and which are three hundred dollars (\$300) or more, shall receive a written notice informing the owner that his or her account must be paid within thirty (30) days of the date of the written notice or a lien shall be entered against the improved property connected to and served by the sewer system. The lien shall be filed in the office of the Prothonotary of Lebanon County, Pennsylvania, in the manner provided by law for the filing of municipal claims. [Amended 6-20-2011 by Ord. No. 161; 7-16-2012 by Ord. No. 165]
 - (2) All sewer rentals and charges imposed which are not paid by the due date as provided in Subsection A of this section, and which are three hundred dollars (\$300) or more, shall receive a written notice informing the owner that his or her account must be paid within thirty (30) days of the date of the written notice or there will be a termination of the owner's water service pursuant to the time periods set forth in the agreement between North Londonderry Township and the Pennsylvania American Water Company, or its successor. [Amended 6-20-2011 by Ord. No. 161; 7-16-2012 by Ord. No. 165]
 - (3) Sewer accounts which are not paid in full, including payment of all late charges and other fees, within thirty (30) days of the above notice shall:
 - (a) Be responsible for all costs associated with filing the lien; termination of water service; restoration of water service; cost of lost revenue to the Pennsylvania American Water Company or its successor; attorney fees; an administrative fee; and any other related costs.
 - (b) Be required to pay their account in full by cash, cashier's check or money order prior to the water service being restored or lien satisfied.
- C. All delinquent bills shall be collected in any manner permitted and authorized by law.
- D. A check return fee shall be assessed in accordance with the Schedule of Fees and Charges¹⁷ and added to the account balance for checks returned by the bank to the

16. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

17. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

Township.

§ 114-48. Water excluded from sewer system.

Exclusion of nonprocess, nonsanitary waters from the sewer system not requiring treatment is required in § 114-17 of this chapter. When such wastewaters are not discharged to the sewer system, sewer rentals shall be based on total water consumption less the water not discharged to the sewer system, provided a meter is installed to measure the excluded water. Such meters shall be acceptable to the Township.

§ 114-49. Strength-of-waste surcharge.

- A. Initial survey. The Township may make an initial survey of the discharge from nonresidential establishments to determine the applicability of a strength-of-waste surcharge. The survey shall consist of suitable sampling and analysis of the wastewaters for three (3) consecutive days during a period of normal industrial or commercial operation. Based on the survey results, the Township may institute the strength-of-waste surcharge and/or require the owner to provide such tests, equipment and information, which will provide a further basis for determination of the surcharge.
- B. Frequency of surcharge monitoring. Following the initial survey, the Township shall determine whether monthly monitoring shall be conducted or whether standard waste strengths based on a waste classification system established for similar operations may be imposed. Site-specific monitoring shall consist of no less than three (3) consecutive day samples, with the frequency to be determined by the Township. [Amended 5-18-2009 by Ord. No. 151]
- C. Data to determine surcharge. The surcharge shall be based on the volume of wastewater used for billing purposes for the appropriate period, and the concentration of surchargeable pollutants measured in a composite sample taken over the duration of the discharge or twenty-four (24) hours, whichever is shorter. In lieu of monitoring at certain nonresidential establishments for which waste-strength characteristics have been established, the published concentrations may be used if agreed upon by both the Township and the user. The cost of obtaining all information required to determine the surcharge shall be borne by the user. This includes, but not by way of limitation, the costs of sample collection, flow measurement, laboratory analysis and engineering analysis. In establishing pollutant concentrations for surcharge purposes, all analytical and sampling procedures shall be conducted in accordance with 40 CFR § 136, as amended, and in accordance with the provisions noted in § 114-40 of this chapter.
- D. Surcharge limits and calculation. Although the wastewater treatment facilities may be capable of treating industrial wastewater in excess of typical domestic wastewater concentrations, the actual treatment of such wastewaters may increase the cost of operating and maintaining the wastewater treatment facilities. Therefore, a surcharge shall be imposed on each user discharging wastewater in excess of the concentrations as set forth in the Schedule of Fees and Charges. [Amended 5-18-2009 by Ord. No. 151]
- E. Payment of waste surcharge. Quarterly waste surcharges are due and payable within the due date set forth on the bill. [Amended 5-18-2009 by Ord. No. 151; 7-16-2017 by Ord. No. 165]

§ 114-50. Pretreatment charges and fees.

The Township may adopt charges and fees for reimbursement of costs for the development, implementation and operation of an industrial pretreatment program as follows:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspections and surveillance procedures, including the cost for the sampling and analysis of a user's wastewater discharge, and reviewing monitoring reports submitted by users.
- C. Fees for reviewing and responding to accidental discharges and construction.
- D. Fees for filing appeals.
- E. Other fees as the Township may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the Township.

**ARTICLE IX
Enforcement**

§ 114-51. Administrative remedies.

- A. Notice of violation. When the Township finds that a user has violated or continues to violate this chapter or a wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement, the Township may issue a written notice of violation to the user. Within ten (10) days of the receipt of the notice of violation (or such other time as provided by the Township), an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Township. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Township to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- B. Termination of sewer service.
 - (1) The Township may immediately suspend a user's discharge after notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Township may also immediately suspend, after notice and opportunity to respond, a user's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
 - (2) Any user notified of a suspension of its discharge shall immediately stop or eliminate the discharge to the POTW. In the event of a user's failure to immediately comply voluntarily with the termination order, the Township shall take steps, as deemed necessary, including immediate severance of the sewer connection, to prevent or

minimize damage to the POTW, the receiving stream or endangerment to any persons. The Township shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Township that the period of endangerment has passed, unless the termination proceedings set forth in § 114-32E of this chapter are initiated against the user.

- (3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Township within five (5) days of the date of occurrence, a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence.

§ 114-52. Judicial remedies.

- A. Injunctive relief. When the Township finds that a user has violated, or continues to violate this chapter or a wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement, or determines that the discharge from a user presents imminent or substantial harm to the POTW or the public, the discharge from the user causes the POTW to violate any condition of its NPDES permit, or the user has shown a lack of ability or intention to comply with a pretreatment standard, the Township may petition the Court of Common Pleas for Lebanon County through the Township Solicitor for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit or other requirement imposed by this chapter, on the activities of the user. [Amended 3-18-2013 by Ord. No. 169]
- B. Civil remedies. When the Township finds that a user has violated or continues to violate this chapter or a wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement, the Borough and Township may recover costs for reestablishing the operation of the POTW, costs for reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Borough and Township.
- C. Criminal prosecution. Any user that has willfully or negligently violated or continues to violate this chapter or a wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement, may be subject to criminal liability under federal, state and/or local law.
- D. Falsifying information. Any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter may be subject to criminal liability under federal, state and/or local law.

§ 114-53. Affirmative defenses.

- A. Treatment upsets.
 - (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical standards because of

factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical standards if the requirements below are met. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that an upset occurred and the user can identify the cause(s) of the upset; the facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and the user has submitted the following information to the Township within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days which includes a description of the indirect discharge and cause of noncompliance, the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

- (2) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof. A user will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical standards. The user shall control production of all discharges to the extent necessary to maintain compliance with categorical standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

B. Treatment bypasses.

- (1) For the purposes of this section, "bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to be inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the Township at least ten (10) days in advance, if possible. Users shall provide oral notice to the Township within twenty-four (24) hours of discovery of an unanticipated bypass that exceeds applicable pretreatment standards. Users shall submit a written report to the Township within five (5) days of becoming aware of the bypass. The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps being taken

or planned to reduce, eliminate and prevent recurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- (3) A bypass of the treatment system is prohibited and the Township may take enforcement action against a user for a bypass unless the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage; there is no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastewater, or maintenance during normal periods of equipment downtime; and the user properly notifies the Township as described in this section.

ARTICLE X Miscellaneous Provisions

§ 114-54. Schedules.

The Schedule of Fees and Charges in effect as of the date of adoption of this chapter shall remain in full force and effect and is adopted hereby by reference thereto.¹⁸

§ 114-55. Reservation of rights.

Notwithstanding any other pretreatment provision to the contrary, nothing in this chapter shall be deemed to be a legally binding commitment under the Clean Water Act, (33 U.S.C. § 1251 et seq.), the Clean Streams Law, (35 P.S. §§ 691.1 et seq.) and applicable regulations (e.g., 40 CFR § 403, Title 25 Pa. Code) for the Township to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by federal and state laws and regulations. Township implementation of pretreatment provisions for significant industrial users will be reflected in a wastewater discharge permit, as provided for by § 114-27 of this chapter. Nevertheless, the Township maintains its discretionary authority to undertake pretreatment activities beyond the minimum required.

§ 114-56. Amendments.

The Township reserves the right to change or amend, from time to time, this chapter in accordance with law. No officer or employee of the Township can vary this chapter without action of the Township Board of Supervisors, and the Township may not be bound by any agent or employee's act or representation, except when authorized in writing by an executive officer of the Township Board of Supervisors.

18. Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

Chapter 116

SEWERS, STORM

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 3-16-2020 by Ord. No. 194. Amendments noted where applicable.]

§ 116-1. Purpose.

The purposes of this chapter are to promote the general health, welfare and safety of the citizens of North Londonderry Township by preserving and protecting the waters of the Township and adjacent municipalities through the implementation of methods that will prevent and make illegal illicit discharges to the municipal separate stormwater system of the Township. These methods are further made necessary by the requirements of the Pennsylvania Department of Protection NPDES regulations and associated stormwater discharge permit. The objectives of this chapter are to:

- A. Regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. Prohibit illicit connections and discharges to the municipal separate storm sewer system.
- C. Establish the legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

§ 116-2. Prohibition against nonstormwater discharges.

A. Prohibited discharges.

- (1) No person in the Township shall allow, or cause to allow, discharges into the Township's separate storm sewer system which are not composed entirely of stormwater, except as provided in § 116-2A(2), below; and, discharges approved under a state or federal permit.
- (2) Discharges which may be allowed, based on a finding by the Township that the discharge(s) do not significantly contribute to pollution to surface waters of the commonwealth, are:
 - (a) Discharges or flows from firefighting activities.
 - (b) Discharge from potable water sources, including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of total residual chlorine (TRC).
 - (c) Noncontaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
 - (d) Diverted stream flows and springs.

- (e) Noncontaminated pumped groundwater and water from foundation and footing drains and crawl space pumps.
 - (f) Noncontaminated HVAC condensation and water from geothermal systems.
 - (g) Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
 - (h) Noncontaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.
- (3) In the event that the Township determines that any of the discharges identified in § 116-2A(2) significantly contribute to pollution of waters of the commonwealth, or is so notified by DEP, the Township will notify the responsible person to cease the discharge.
 - (4) Upon notice provided by the Township under § 116-2A(3) 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 a discharger's responsibilities under state law.
- B. Prohibited connections. The following connections are prohibited, except as provided in § 116-2A(2), above:
- (1) 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, and any connections to the storm drain system from indoor drains and sinks.
 - (2) Roof drains.
 - (a) Newly installed roof drains shall not be directly connected to streets, sanitary sewers or storm sewers.
 - (b) Newly installed roof drains shall discharge to pervious areas to the maximum extent practicable.
 - (3) Waste disposal prohibitions. No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, left or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk or other component of the municipality's separate storm sewer system, any refuse, rubbish, garbage, litter or other discarded or abandoned objects, articles and accumulations, so that the same may cause or contribute to pollution. Waste deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.
 - (4) Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system, which has not been documented in plans, maps or equivalent records, and approved by the Township.

§ 116-3. Suspension of discharge.

The Township may, without prior notice, suspend MS4 discharge access to a person when such a suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons. Any person discharging to the MS4, in violation of this chapter, may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The violator may petition the Township for a reconsideration and hearing under § 116-8.

§ 116-4. Maintaining watercourse.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse.

§ 116-5. Action for illegal discharge or pollutants.

Notwithstanding other requirements of the law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has any information of any known or suspected release of materials which are resulting in, or may result in, illegal discharges or pollutants discharging into the stormwater, the storm drain system, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment and cleanup of such a release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of the release of nonhazardous materials, said person shall notify the Township in person or by phone, facsimile or email immediately. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

§ 116-6. Applicability.

This chapter shall apply to all water entering the Township MS4 generated on any developed and/or undeveloped lands unless explicitly exempted by the Township or, as applicable, another county, state or federal enforcement agency.

§ 116-7. Administration.

The Township Board of Supervisors of North Londonderry Township through its Engineer, Manager and staff, shall administer, implement and enforce the provisions of this chapter.

§ 116-8. Administrative appeals.

Any person aggrieved by the Township's decision to suspend their MS4 discharge access may petition the Board of Supervisors of the Township to reconsider its determination. The petition shall be filed within thirty (30) days of the Township decision. Such an appeal shall be heard by the Board of Supervisors of the Township within thirty (30) days of the filing of the petition. The Board of Supervisors shall render a decision within thirty (30) days of the hearing. In these proceedings, the following shall apply:

- A. Failure to submit a timely petition shall be deemed to be a waiver of the administrative appeal.
- B. In the petition, the appealing party must indicate the provisions objected to, and the reasons for the objection.
- C. The effectiveness of the Township's determination shall be considered a final administrative action for purposes of judicial review.
- D. Aggrieved parties seeking judicial review of the final administrative decision of the Board of Supervisors shall do so by filing a complaint with the court of competent jurisdiction within the time as provided by law.

§ 116-9. Violations and penalties.

- A. Civil penalties. Any person, corporation or business entity who is found to have failed to comply with any provision of this chapter shall, in a summary proceeding before a district justice, be required to pay a fine of not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00), for each offense. Each day during which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Township may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person, corporate or business entity who is found to have violated this chapter. Upon failure to make prompt payment of same, to undergo imprisonment for a term not to exceed ninety (90) days.

§ 116-10. Repealer.

All other parts, sections, subsections and provisions of the North Londonderry Township ordinances, Lebanon County Subdivision and Land Development Ordinance, as well as all other applicable federal, state, county and local regulations, shall remain in effect as heretofore enacted.

§ 116-11. Severability.

In the event any provision, section, sentence, clause or part of this chapter shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, clauses or parts of this chapter, it being the intent of the Supervisors of North Londonderry Township that the remainder of the ordinance shall be and shall remain in full force and effect.

Chapter 120

SOLID WASTE

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Greater Lebanon Refuse Authority — See Ch. 5, Art. II.

Brush, grass and weeds — See Ch. 50.

Outdoor burning — See Ch. 59.

ARTICLE I

Recycling

[Adopted 4-13-1993 by Ord. No. 95 (Ch. 84, Art. I, of the 1991 Code)]

§ 120-1. Title.

This article shall be known as the "North Londonderry Township Municipal Waste and Recycling Ordinance."

§ 120-2. Purpose.

- A. Act 101 of 1988, an Act of the Commonwealth of Pennsylvania, entitled the "Municipal Waste Planning, Recycling and Waste Reduction Act,"¹ requires municipalities with populations greater than five thousand (5,000) people to implement a curbside collection program for recyclable materials. The purpose of this article is to comply with the provisions of Act 101 and to provide for the health, safety and welfare of the residents of the Township by regulating the collection, storage, transportation, removal, dumping, disposal and recycling of solid waste.
- B. It is the desire of the North Londonderry Township Board of Supervisors to establish a solid waste recycling and solid waste management and reduction program within the Township to better utilize existing and future solid waste disposal facilities and to work toward an efficient, more productive and environmentally sound method of solid waste management.
- C. It is also the purpose to comply with the regulations as set forth by the Greater Lebanon Refuse Authority under the authority granted by Lebanon County Ordinance 15, enacted June 6, 1991, along with any amendments thereto.

§ 120-3. Definitions.

The following words or phrases, when used in this article, shall have the following definitions:

1. Editor's Note: See 53 P.S. § 4000.101 et seq.

ALUMINUM CONTAINERS — All empty aluminum food and beverage containers.

AUTHORIZED COLLECTOR — A person, firm or corporation licensed or contracted by North Londonderry Township to handle municipal solid waste and recyclables in accordance with the provisions of this article.

BIMETAL CONTAINERS — All empty food or beverage containers consisting of a combination of ferrous metals and aluminum.

BULKY WASTE — Items of solid waste which, due to their size, shape or weight, cannot be collected as a part of the normal weekly municipal waste collection and, therefore, require special handling.

COMMERCIAL ESTABLISHMENT — Properties which are used primarily for commercial and/or industrial purposes, and those multiple-dwelling residential buildings containing more than four (4) dwelling units.

COMMUNITY EVENT — Events sponsored in whole or in part by a mandated municipality, or conducted within a municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by two hundred (200) or more individuals per day. [Added 12-16-2013 by Ord. No. 170]

CONSTRUCTION AND DEMOLITION WASTE — Lumber, roofing materials, sheathing, rubble, broken concrete, macadam, plaster, brick, conduit, pipe, insulation and other material which results from a construction, demolition or remodeling project.

CONTRACT or LICENSING AGREEMENT — An agreement between the Township and any person or trash hauler wishing to collect municipal solid waste and recyclable materials within the Township which sets forth specific rules and regulations regarding the collection of the refuse and recyclable materials.

CORRUGATED CARDBOARD — Paper boxes constructed in a corrugated manner and used as containers for business and consumer applications.

DWELLING UNIT — Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

EXCLUSIVE CONTRACT — An agreement entered into by the Township with a private person or corporation for the collection and disposal of all municipal waste and/or recyclables within the Township to the extent provided by this article and the agreement.

FERROUS CONTAINERS — Empty steel or tin food or beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass, porcelain and ceramic products.

GRASS CLIPPINGS — Blades of lawn grass that have been cut by mowing and gathered for disposal.

INSTITUTIONAL ESTABLISHMENTS — Facilities that house or serve groups of people, such as hospitals, schools, nursing homes, etc.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings. [Added 12-15-2008 by Ord. No. 148]

MAGAZINES and PERIODICALS — A publication that is issued periodically and is generally bound with a shiny cover and often utilizes a shiny surface paper for its articles, photographs, etc. These publications are published at fixed or varying intervals other than daily.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom waste, office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; all solid waste which is within the definition of "municipal waste" as set forth in Section 103 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of July 28, 1988.²

NEWSPAPERS — Paper of the type commonly referred to as "newsprint." Expressly excluded are newspapers that have been soiled.

NORTH LONDONDERRY TOWNSHIP MUNICIPAL WASTE AND RECYCLING RULES AND REGULATIONS — The rules and regulations governing municipal solid waste and recycling in North Londonderry Township as established by the North Londonderry Township Board of Supervisors and adopted by resolution of the Township.

PERSON(S) — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of specific rights and duties.

PLASTIC CONTAINERS — Empty plastic food and beverage containers of either Type 1 through 7 as designated on the container. [Added 12-16-2013 by Ord. No. 170]

RECYCLABLES or RECYCLABLE MATERIALS — Materials as specified by this article which are to be collected separately from other solid waste for the purpose of reusing the materials and to reduce the amount of solid waste entering the conventional solid waste stream.

RESIDENCE — Any occupied single-family or multifamily dwelling having up to four (4) dwelling units per structure. (Also see "dwelling unit.")

RESIDENTIAL MUNICIPAL WASTE — Municipal solid waste generated from a dwelling unit.

RESIDUAL WASTE — Any garbage, refuse, discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials, resulting from industrial, mining or agricultural operations, and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous.

SOLID WASTE — Any waste, including but not limited to municipal, residual or hazardous waste, including solid, semisolid or contained gaseous materials.

2. Editor's Note: See 53 P.S. § 4000.103.

TOWNSHIP — The governmental jurisdiction and legal entity of North Londonderry Township, Lebanon County, Pennsylvania.

TRASH HAULER — A commercial establishment which collects refuse from a residence or commercial establishment on a regular basis for a fee.

YARD WASTE — Weeds, garden wastes and prunings, excluding tree limbs and twigs in excess of one-quarter (1/4) inch in diameter.

§ 120-4. Establishment. [Amended 12-15-2008 by Ord. No. 148; amended 12-16-2013 by Ord. No. 170]

- A. Mandatory recycling is hereby established and required of all residential properties and commercial, industrial, and institutional establishments within the boundaries of North Londonderry Township. All properties within the Township are hereby required to separate recyclable materials from their trash. Recyclable materials shall be collected separate from other refuse, and such recyclable materials shall be designated as set forth in the North Londonderry Township Municipal Waste and Recycling Rules and Regulations which shall be promulgated and amended by resolution of the Township.
- B. Owners and occupants of all commercial, municipal, and institutional establishments as well as organizers of community events will be required to separate the following recyclables:
 - (1) Corrugated cardboard.
 - (2) Office paper.
 - (3) Aluminum cans.
- C. For multifamily dwellings, all recyclables, which are required to be kept separate from municipal waste in residential properties, shall be picked up by a private hauler separately from municipal waste in a prearranged manner for the exclusive purpose of recycling.
- D. The owner, landlord or agent or, when appropriate, the board of directors, of every multifamily dwelling shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property comply with the requirements of this article governing separation and/or placement for removal of recyclables in multifamily dwellings. Every such landlord shall set up a convenient and practical collection system in such properties for the collection, storage and placement for removal of recyclables generated by the residents of such properties.
- E. The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.
- F. Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements relative to multifamily dwellings shall not be liable for the noncompliance of occupants of their building.

§ 120-5. Community events recycling. [Added 12-16-2013 by Ord. No. 170³]

Community events or activities attracting two hundred (200) or more individuals per day will be required at a minimum to recycle the designated recyclable materials as per this article.

§ 120-6. Storage.

It shall be the duty of every person occupying a dwelling unit, premises or place of business within the Township where municipal waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in the North Londonderry Township Municipal Waste and Recycling Rules and Regulations, to provide and keep at all times a sufficient number of containers to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector and to ensure the sanitary and legal disposal of such waste in accordance with this article, the North Londonderry Township Municipal Waste and Recycling Rules and Regulations and all other Township, state and federal applicable laws and regulations.

§ 120-7. Collection by authorized persons.

- A. It shall be unlawful for any person or corporation, other than persons or corporations authorized by license or contract by the Township, to collect and/or transport solid waste of any nature as a regular hauling business within or from the Township. If the Township enters into an exclusive contract for the collection of residential municipal waste in the Township, said contractor shall be required to collect municipal waste in the Township exclusive of other private haulers and collectors, subject to exceptions to the exclusive Township contract. The Township shall not issue a license to any private hauler or collector for the collection of residential municipal waste other than the hauler or collector having the exclusive contract with the Township. Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the Township through the issuance of a contract or license. All applicants for licensing shall be reviewed by the Township and shall be approved in accordance with the provisions of the North Londonderry Township Municipal Waste and Recycling Rules and Regulations.
- B. From the time of placement of recyclable items at the curb or designated location as authorized by the Township, the recyclable items shall become the property of the authorized collector. It shall be a violation of this section for unauthorized persons to collect, pick up or cause to be collected or picked up any such items. Any and each collection in violation hereof from one (1) or more locations shall constitute a separate and distinct offense punishable as provided herein.

§ 120-8. Unlawful disposal.

Upon and after the effective date of this article, it shall be unlawful for any person or persons to dispose of any recyclable item, as designated in the North Londonderry Township Municipal Waste and Recycling Rules and Regulations, commingled with other solid waste not required to be recycled or to dispose of such items in other places that will not ensure that items are recycled, unless the material is so contaminated that it is unacceptable for recycling.

3. Editor's Note: This ordinance also provided for the renumbering of former §§ 120-5 through 120-7 as §§ 120-6 through 120-8.

§ 120-9. Reporting. [Added 12-16-2013 by Ord. No. 170⁴]

Every residential, commercial, municipal, institutional, multifamily housing unit, and community event sponsor shall complete a form to be designated "recycling report," to be provided to the municipality, which shall indicate where the property's recyclable materials were delivered. Such report shall set forth the name and address of the owner, landlord or agent, the address of the property to which the report pertains, the name and address of the collector or hauler who regularly services the property, and information on the type and amount of each material recycled.

§ 120-10. Administration.

The North Londonderry Township Board of Supervisors shall establish, promulgate, change or amend the North Londonderry Township Municipal Waste and Recycling Rules and Regulations in accordance with the terms hereof, along with any other matters required to implement this article. The Township may change, modify, repeal or amend any portion of the North Londonderry Township Municipal Waste and Recycling Rules and Regulations by a resolution of the Township at any time.

§ 120-11. Enforcement.

North Londonderry Township police are hereby charged with the enforcement of this article along with the rules and regulations promulgated in the North Londonderry Township Municipal Waste and Recycling Rules and Regulations.

§ 120-12. Franchise or license.

The Township reserves the right to, at any time, enter into an exclusive agreement with any public or private agency or firm to authorize it to collect all or part of the recyclable materials within North Londonderry Township.

§ 120-13. Alternative collection.

Any person may donate or sell recyclable materials to any individual or organization authorized by the Township. These materials must either be delivered to the individual's or organization's site or they may be placed at the curb for collection by such individual or organization. A list of approved individuals or organizations shall be posted in the Township office.

§ 120-14. Disposal.

Recyclable material removed from the Township shall be processed at an approved processing facility and may not be discarded in the Greater Lebanon Refuse Authority landfill unless specifically approved, in writing, by the Greater Lebanon Refuse Authority. The Township shall be notified, in writing, of every such incident.

§ 120-15. Violations and penalties.

4. Editor's Note: This ordinance also provided for the renumbering of former §§ 120-8 through 120-13 as §§ 120-10 through 120-15.

- A. This article and any rules and regulations promulgated pursuant thereto 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. Any person who violates or permits the violation of this article or any rules or regulations promulgated pursuant thereto shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article or any rules or regulations promulgated pursuant thereto that are violated shall also constitute a separate offense. [Amended 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]
- B. In addition to the foregoing penalty, the Township may require any person to remove any accumulation of solid waste, and should said person fail to remove such solid waste within five (5) days following receipt of a written notice, the Township may cause the solid waste to be collected and disposed of, with the cost for such action to be charged to the owner or occupant of the property in a manner as provided by law.

Chapter 126

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 50.
Peace and good order — See Ch. 96.
Subdivision and land development — See Ch. 130.
Vehicles and traffic — See Ch. 140.

ARTICLE I

Sidewalks and Curbs

[Adopted 5-14-1974 by Ord. No. 19 (Ch. 85, Art. I, of the 1991 Code)]

§ 126-1. Title.

This article shall be known and may be cited as the "North Londonderry Township Sidewalk and Curb Ordinance."

§ 126-2. Construction and repair.

- A. The owner or owners of property abutting on an opened road, highway or street, substantially at grade, within the corporate limits of North Londonderry Township are hereby required to construct sidewalks and curbs of suitable material along such road, highway or street whenever it is necessary to completely rebuild an existing street in a residential area of the Township, where such is necessary for the public safety or where sidewalks and curbing presently exist.
- B. All construction and repair of sidewalks by property owners at intersections within North Londonderry Township shall be constructed and repaired pursuant to the American for Disabilities Act (ADA) specifications for access. [Added 2-14-1995 by Ord. No. 105]

§ 126-3. New construction in residential areas.

Whenever new construction is begun in a residential area upon a lot abutting an existing paved street, the property owner shall install sidewalks and curbing along such paved street where such are necessary for the public safety or where sidewalks and curbing presently exist.

§ 126-4. New residential developments.

Whenever a new residential development is established, the owner or developer shall install sidewalks and curbing wherever such are necessary for the public safety.

§ 126-5. Dangerous situations.

Whenever a dangerous situation occurs along a paved or unpaved street as determined by the Board of Supervisors of North Londonderry Township, the property owner shall install sidewalks and curbing along such paved or unpaved street.

§ 126-6. Permit required.

Prior to the commencement of any work thereon, the owner or owners of abutting property shall first secure a permit from the Township Zoning Enforcement Agent or other agent designated by the Board of Supervisors.

§ 126-7. Permit application.

The application shall be made, in writing, by the owner or his agent upon forms supplied by the Township of North Londonderry. The location and details of the proposed work shall be shown on a sketch which is to accompany the application. The permit clerk, if he deems it necessary, may require that the sketch shall show the line and grade of the curb.

§ 126-8. Line and grade of proposed construction.

No such permit shall be issued unless the permit clerk is satisfied that the proposed sidewalks and curbing conform to the proper line and grade in the area, and for this purpose the permit clerk may engage the services of a registered surveyor. The Township shall furnish the initial line and grade.

§ 126-9. Line and grade of reconstruction.

If an existing sidewalk or curb in good condition along a street to be rebuilt requires reconstruction to a new line and grade, the expense of such reconstruction shall be borne by the Township. If an existing sidewalk or curb is in poor condition, then said sidewalk or curbing shall be rebuilt to the new line and grade at the expense of the owner.

§ 126-10. Reconstruction required after notice.

Where sidewalks and curbing are in poor condition, the landowner shall reconstruct said sidewalks and curbing, after notice from the Board of Supervisors, at the cost of the landowner.

§ 126-11. Enforcement.

The Zoning Enforcement Agent or other agent of the Township shall be the permit clerk and inspector unless another person is hereafter appointed by the Supervisors to perform these duties.

§ 126-12. Standards for installation. [Amended 11-12-1991 by Ord. No. 86]

The installation of sidewalks and curbing shall be according to the standards established by Article V of this chapter.

§ 126-13. Failure to comply; construction by Township.

If the owner or owners of the property abutting on an opened road, street or highway shall fail to

construct or repair any sidewalk or curb, after sixty (60) days' notice from the Board of Supervisors so to do, the Supervisors shall do the necessary work by contract or otherwise and when the work is completed shall present a bill to the property owner, giving the particulars of labor and materials used plus the permit fee and a five-percent penalty added thereon.

§ 126-14. Cost of construction by Township.

Whenever any sidewalk or curbing is constructed by the Supervisors pursuant to this article, the expense of the construction of such sidewalks or curbing shall be paid by the abutting property owners in proportion to their frontage, but in no such instance shall any abutting property owner be liable for the construction of such sidewalk or curbing in an amount greater than ten percent (10%) of the assessed valuation of the abutting property owned by him. Any expense above such maximum liability of abutting property owners shall be paid by the Township.

§ 126-15. Permit fee. [Added 11-12-1991 by Ord. No. 86; amended 12-15-2008 by Ord. No. 148]

The fee for securing a permit for construction of sidewalks and curbs is the same as the highway occupancy permit as adopted by the Pennsylvania Department of Transportation.

§ 126-16. Failure to pay construction expenses; cost to become lien.

If abutting property owners fail to pay the expense of construction of such sidewalk or curbing within thirty (30) days after notification of the amount due, the Supervisors may recover the amount due plus the permit fee, a five-percent penalty and interest at the rate of six percent (6%) by action of assumpsit or may file municipal liens therefor against the abutting properties in the manner provided by law for the filing and collection of municipal liens. The cost of construction of such sidewalk or curbing shall be a lien upon such premises from the time of commencement of the work.

§ 126-17. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

**ARTICLE II
Openings in Streets**

[Adopted 11-1974 by Ord. No. 20 (Ch. 85, Art. II, of the 1991 Code)]

§ 126-18. Permit required.

In accordance with the provisions of Section 1156 of Article XI of the Second Class Township

Code, as amended,¹ 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, 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.

§ 126-19. Minimum street design standards. [Added 4-15-2002 by Ord. No. 126]

The following street design standards shall apply to all newly constructed streets in North Londonderry Township.²

§ 126-20. Dedication of public streets. [Added 10-20-2003 by Ord. No. 129]

- A. Completion of development streets. Streets within a development or development phase shall not have the asphalt wearing course applied until at least seventy-five percent (75%) of the proposed new houses have been completed.
- B. Deeds of dedication. A deed of dedication must be prepared at the developer's expense and be submitted to the Township's Solicitor for review and approval prior to consideration by the Township. Any fees and costs associated with the Township's Solicitor review and/or preparation and any documents necessary for the deed of dedication and the acceptance of the deeds of dedication shall be paid for by the developer.
- C. Conditions of acceptance.
 - (1) No street offered for dedication shall be accepted until said street has been inspected, approved and recommended for acceptance by an agent of the Township. Additionally, all improvements proposed for public dedication within the street shall be inspected, approved and recommended for acceptance by an agent of the Township.
 - (2) No street and associated improvements shall be accepted for dedication until the Township has received an acceptable financial guarantee to insure the structural integrity of the street and improvements as well as the functioning of said street and improvements being offered to the Township. The acceptable financial security shall be posted by the developer with the Township for a period of eighteen (18) months in the amount of a fifteen percent (15%) of the total cost of the street construction and improvements in accordance with subdivision and land development design specifications.

§ 126-21. Permit application.

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

1. Editor's Note: See now 53 P.S. § 67322.

2. Editor's Note: Exhibit A is included at the end of this chapter.

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, the width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting streets.

§ 126-22. Issuance of permit.

A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

§ 126-23. Notice of completion of work required.

Upon completion of the work, the applicant shall give written notice thereof to the Township.

§ 126-24. Inspection; correction of defects.

Upon completion of the work authorized by the permit, 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.

§ 126-25. Opening of streets prohibited within five (5) years of paving. [Added 6-20-2011 by Ord. No. 161]

No cuts or excavations shall be made in any Township road, street, or highway by any person, firm, corporation, or utility for a period of five (5) years after construction, reconstruction, surfacing or resurfacing of any Township road, street, or highway, except for emergencies upon application for a permit as set forth herein. If the Township approves the issuance of a permit, the Township shall provide such specifications as are deemed necessary for the protection of the integrity of the Township street, highway, or road, which may include specifications for a complete overlay of the area affected by the excavation. This requirement shall also specifically apply to any person, firm, or corporation that receives permission from the Township to dig, open, or excavate in or under any street, highway, or road of the Township for emergency purposes.

§ 126-26. Emergency openings within five (5) years of paving. [Added 6-20-2011 by Ord. No. 161]

In the case of any emergency, the Township may grant permission to dig, open or excavate in or under any street, highway, or road within the period of five (5) years as set forth in § 126-25 upon application therefore, accompanied by a fee established by resolution of the Township, and payable to the Township, which fees shall be in addition to any regular permit fees to dig, excavate or open a street.

§ 126-27. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This article shall be enforced by action brought before a Magisterial District Judge in the same

manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm, corporation or utility who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE III Snow Removal

[Adopted 4-10-1979 by Ord. No. 37 (Ch. 85, Art. III, of the 1991 Code)]

§ 126-28. Duties of lot owners and occupants.

All lot owners or occupants of property abutting any sidewalk within the Township shall remove snow therefrom within twenty-four (24) hours after cessation of the snowfall.

§ 126-29. Requirements.

Lot owners or occupants of property shall be deemed to have complied with the provisions of this article if they have cleared a path three (3) feet in width, running the entire length of the sidewalk, within the required time period.

§ 126-30. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, association, partnership, firm or corporation who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE IV Trimming Trees and Shrubs

[Adopted 10-14-1980 by Ord. No. 47 (Ch. 85, Art. IV, of the 1991 Code)]

§ 126-31. Definitions.

For the purpose of this article, the following words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

TOWNSHIP — North Londonderry Township, Lebanon County, Pennsylvania.

§ 126-32. Obstructing streets and sidewalks unlawful. [Amended 5-18-2009 by Ord. No. 151]

No person owning or occupying any property within the Township shall permit limbs of trees, shrubbery, bushes or any other type of plant life or growth to be less than fourteen (14) feet in height over any highway, street, alley or cartway, or to be less than eight (8) feet in height over any sidewalk or footway, or to otherwise obstruct, impede or interfere with traffic or travel or use of such highways, streets, alleys, cartways, sidewalks or footways.

§ 126-33. Trimming over streets and sidewalks required.

The owner of any vacant premises, or any owner or occupant of an occupied premises, shall trim, cut or remove all trees, shrubbery, bushes or any other type of plant life or growth growing or remaining upon such premises in violation of the provisions of this article.

§ 126-34. Notice to cut or remove. [Amended 6-20-2011 by Ord. No. 161]

The Township Supervisors, the Township Manager or Administrator or any officer or employee of the Township designated thereby for the purpose are hereby authorized to give notice, by personal service or by mail, to the owner or occupant, as the case may be, of any premises whereon there is a violation of the provisions of this article, directing and requiring such owner or occupant to trim, cut or remove such trees, shrubbery, bushes or any other type of plant life or growth so as to conform to the requirements of this article within thirty (30) days after issuance of such notice.³

§ 126-35. Trimming or removal by Township; costs. [Amended 6-20-2011 by Ord. No. 161]

In case any person neglects, fails or refuses to comply with such notice within thirty (30) days, the Township authorities may trim, cut or remove such trees, shrubbery, bushes or any other type of plant life or growth or may enter into a contract to cause the same to be done, and the costs thereof, together with a penalty of five percent (5%) of such costs, may be collected by the Township.

§ 126-36. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE V
Curb and Sidewalks Construction Standards
[Adopted 5-10-1988 by Res. No. 5-10-88 (Ch. 85, Art. V, of the 1991 Code)]

³. Editor's Note: Original Section Five, Obstructions to vision at intersection, which immediately followed this section, was repealed 11-12-1991 by Ord. No. 86.

§ 126-37. Materials.

- A. All curbs and sidewalks shall be constructed with Class A cement concrete conforming to current Pennsylvania Department of Transportation Specifications Form 408, Section 704.
- B. All curbs and sidewalks shall be constructed with ready-mix concrete. It shall be proportioned and mixed at a central plant and transported to the project in a truck equipped with an agitator or mixer. The ingredients shall comply in all respects with the standard specifications of the American Society for Testing and Materials. Cement shall be measured by weight, and it shall be weighed on a scale separate from those used for other materials; coarse aggregates shall be measured by weight; fine aggregates shall be measured by weight or measured volume. Water shall be measured by volume or by weight.
- C. The concrete shall consist of cement, sand and crushed stone mixed in the proportion of one (1) part cement to two (2) parts sand and three (3) parts of stone.
- D. Cement. The cement shall be of standard grade and such quality as to fulfill the requirements of the standard tests of the American Society for Testing and Materials.
- E. Sand. Sand shall be free from organic matter, and the grain shall be uncoated. It shall be graded from fine to coarse, but shall not contain any grains larger than one-fourth (1/4) inch in diameter. It shall not contain more than 5% loam or silt.
- F. Stone. The stone or coarse aggregate shall be clean and free from dust. It shall be a hard stone which has been broken so that the fragments will pass through a one-and-one-fourth-inch circular hole but will not pass through a five-eighths-inch screen.
- G. The concrete shall be mixed in such quantities as are required for immediate use.

§ 126-38. Curbs.

- A. General. Curbs shall be constructed in accordance with a detailed cross section shown on approved drawings. Curbs may be installed using fixed forms or by the use of a curb machine.
- B. Type of curbs. Curbs shall be of the vertical or mountable type.
 - (1) Vertical curbs shall be constructed in conformance with Pennsylvania Department of Transportation Specifications Form 408, Section 630, as amended.
 - (2) Mountable curbs shall be constructed in conformance with Pennsylvania Department of Transportation Specifications Form 408, Section 633, as amended.
- C. Dimensions:
 - (1) Vertical curbs shall be six (6) inches in thickness at the top and tapered out one (1) inch along the face of said curb to a thickness of seven (7) inches, said point being eight (8) inches below the top of curb, then vertically twelve (12) inches to the base of the curb. The inside edge of the curb shall be twenty (20) inches vertically from the top of the curb to the base. The outside top corner of the curb shall be rounded to a radius of one-fourth (1/4) inch.

- (2) Mountable curbs shall be nine (9) inches high along the face of the curb and twelve (12) inches vertically along the rear of the curb. Width shall be twenty-four (24) inches and the bottom of curb shall be flat. The top of the curb shall be formed to the profile shown on the attached Drawing B.⁴
- D. Curbs shall be constructed accurately to line and grade; variances from the established line and grade shall not exceed three-eighths (3/8) inches in ten (10) feet.
- E. Vertical curbs crossing driveways shall be depressed six (6) inches or to a height of two (2) inches above the finished surface of the pavement. Curb depressions shall be provided by sloping each side with a slope of four (4) inches to one (1) inch.
- F. Curbs that are broken for installing drain pipes, driveway entrances or other reasons shall be replaced in sections of not less than four (4) feet in length and to the full depth of the curb.
- G. Fixed forms shall not be removed, or curb machines advanced, until concrete has set sufficiently to maintain the shape of the section without slumping. Minor defects shall be filled with mortar composed of one (1) part portland cement and two (2) parts of fine aggregate which shall be applied with a wooden float. Brush finishing or plastering shall not be permitted on the face of the curbing. The top and face of the curbing shall be finished while the concrete is still green by frequently wetting a soft brick or wood block and rubbing the surface until smooth. After the concrete has been rubbed smooth, it shall be rubbed again until a uniform color is produced, using in place of water a thin grout composed of one (1) part of approved sand and one (1) part of portland cement. When completed, the curbing shall be protected from the elements in a satisfactory manner as directed by Township Engineer or authorized Township representative.
- H. Curbs shall be poured separate from sidewalks. Curbs shall be poured in sections not more than twenty (20) feet long or less than four (4) feet long, and provisions shall be made at each joint for an expansion of one-fourth (1/4) inch.
- I. Foundations. All concrete curbs shall be placed on a foundation of slag or stone, which shall be placed in the bottom of the trench to a depth of four (4) inches and thoroughly compacted. This fill shall be in fragments that will pass through a one-and-one-fourth-inch circular hole and will not pass through a one-fourth-inch square hole.
- J. Mixing and placing. All concrete shall be ready-mixed by machine. It shall be of the proportions above specified and shall have enough water added to make it workable. The mixed concrete shall be placed in the form before it has taken its initial set.
- K. Backfilling. After the concrete has attained the required strength, the space in front and back of the curb shall be backfilled with acceptable material, which shall be thoroughly compacted mechanically to the elevation.
- L. No concrete will be laid when temperatures fall below thirty degrees Fahrenheit (30° F.).
- M. Drainpipes placed through vertical curbs shall not be lower than six (6) inches from the top

4. Editor's Note: Drawing B is on file and available for inspection in the Township Secretary's office.

of the curb to the bottom of the pipe.

- N. Curb machine. Concrete curbs may be placed with an acceptable self-propelled machine in accordance with Pennsylvania Department of Transportation Specifications Form 408, Section 630. Concrete shall be uniformly fed into the machine so that the concrete maintains the shape of the section, without slumping after extrusion.
 - (1) Voids or honeycombs on the surface of the finished curb will not be allowed. Any additional surface finishing required shall be performed immediately after extrusion.
 - (2) Contraction joints shall be formed or sawed as soon as possible after the concrete has set sufficiently to preclude raveling during the sawing and before any shrinkage cracking occurs in the concrete.
 - (3) The edges of concrete joints shall be tooled to a one-fourth-inch radius.
- O. Fixed form curbs. Concrete curbs may be placed with fixed forms as follows:
 - (1) Radius forms shall be used on all horizontal changes in directions in excess of three (3) inches per ten (10) foot length of curb or where the deviation angle exceeds one degree twenty-six minutes ($1^{\circ} 26'$).
 - (2) All forms shall be set true to line and grade and held rigidly in position. The forms to be used shall be either metal or acceptable planed and matched lumber. They shall be so built and braced that a smooth surface and straight line will be secured.
 - (3) Forms for curbs shall be of wood or steel plate on all curves and short tangent sections. Forms shall be straight, free from warping and of sufficient strength when staked to resist the pressure of the concrete without springing. At least three (3) stakes shall be provided for each ten (10) feet of form. All wooden forms shall be one-and-one-half-inch smooth planks. All forms shall be thoroughly cleaned and treated with an approved material to prevent the concrete from adhering thereto.
 - (4) All joints in vertical curbs shall be opened from top to bottom immediately after the forms are removed, and the edges adjacent to the joints shall be sharp and clean-cut.

§ 126-39. Sidewalks.

- A. Dimensions. The total depth of sidewalk slab and foundation shall be eight (8) inches. The foundation shall be four (4) inches and the concrete slab four (4) inches.
- B. Foundation. The foundation shall consist of broken stone or crushed slag from which the dust and finer particles have been screened out. It shall be thoroughly wet and compacted by rolling or ramming so as to present a firm and unyielding surface. All concrete sidewalks shall be placed on a foundation of slag or stones which shall be placed in the bottom to a depth of four (4) inches. This fill shall be in fragments that will pass through a one-and-one-fourth-inch circular hole and will not pass through a one-fourth-inch square hole.
- C. Forms. Forms shall be of wood or metal, straight, free from warp and of sufficient strength when staked to resist the pressure of the concrete without springing. If of wood, they shall

be two-inch planks surfaced on the inside and the top; or if of metal, they shall be approved sections. Forms shall have a depth equal to the depth of the concrete and shall be thoroughly cleaned and oiled before concrete is placed against them. Forms that are worn, bent or damaged shall not be used. The side and cross forms shall be of metal or wood. They shall be perfectly smooth on the side next to the concrete and shall be accurately placed to the line and grade and rigidly braced, and each time before use they shall be thoroughly cleaned from cement, dirt or other material.

- D. Sidewalks shall be constructed in separate slabs ten (10) feet in length for closures. These slabs shall be separated by transverse premolded expansion joints one-fourth (1/4) inch in thickness for the full depth of the concrete. Transverse premolded expansion joints shall be placed adjacent to existing structures where directed. The slabs between expansion joints shall be divided into blocks five (5) feet in length by scoring transversely. Where the slabs are more than five (5) feet in width, they shall be scored longitudinally in the center. Transverse and longitudinal scoring shall extend for a depth of at least one-fourth (1/4) the thickness of the concrete slab.
- E. Premolded expansion joints one-fourth (1/4) inch in thickness for the full depth of the concrete shall be placed longitudinally where the sidewalk slab is to be constructed in contact with curbs.
- F. Where existing light standards, poles, fire hydrants, water valves and similar structures are within the limits of the sidewalk area, the concrete around such structures shall be scored in a block eight (8) inches wider than the maximum dimension of the structure at the sidewalk elevation. Prior to placing the concrete around such structures, premolded expansion joint material one-fourth (1/4) inch in thickness shall be placed around the structure for the full depth of the concrete in the sidewalk.
- G. Removal of forms. Side forms shall not be removed within twenty-four (24) hours after the concrete has been placed. After removal of the forms, minor honeycombed areas shall be filled with mortar composed of one (1) part of cement and two (2) parts of fine aggregate. Major honeycombed areas will be considered as defective work and shall be removed and replaced.
- H. Finishing. After the concrete has been brought to the established grade by means of a strike-board, it shall be worked with a steel trowel or wood float to give it a smooth, medium-rough or rough surface, as directed by the engineer. In no case shall dry cement or a mixture of dry cement and sand be sprinkled on the surface to absorb moisture or to hasten hardening. The type of finished surface required by the engineer shall be prepared as follows:
 - (1) Smooth surface. The surface of the concrete shall be troweled with a steel trowel to a smooth, even surface free from depressions or irregularities of any kind. Excessive working of the surface with the trowel shall be avoided.
 - (2) Medium-rough surface. The surface shall be floated with a wooden float only producing an even gritty finish. On wide sidewalks, the finishing may be done with two (2) applications of a canvas belt not less than six (6) inches wide and two (2) feet longer than the width of the sidewalk. For the first application, the belt shall be drawn

across the surface with vigorous strokes at least twelve (12) inches along, and moved ahead very slightly with each stroke. The second application shall be given immediately after the water glaze or sheen disappears. The stroke of the belt shall be not more than four (4) inches, but the longitudinal motion shall be greater than during the first application.

- (3) Rough surface. The surface shall be floated with a wooden float leveling all sags and producing an even surface. After being floated in this manner, the roughening shall be done by slapping the surface of the concrete with the face of the float. The float shall be raised vertically from the concrete after each stroke.
- I. Backfilling. After the concrete has cured for a period of not less than seventy-two (72) hours, the spaces adjacent to the sidewalk shall be backfilled with acceptable material of layers of not more than four (4) inches in depth, which shall be thoroughly compacted mechanically to the required elevation and cross section.
- J. Protection. After completion and until thoroughly set, the walk shall be protected from wind and sun with suitable covering.
- K. Repairing concrete sidewalks. In all cases where concrete sidewalks are to be repaired, the old concrete shall be completely removed over the entire area to be repaired. The foundation course underneath shall be excavated or filled up so as to permit a new slab to be built upon it in accordance with specifications and of the thickness for new concrete walk.
- L. Driveways. A driveway may be depressed to street grade in the front if the same is dropped in the rear of the sidewalk. If radius returns are built at the driveway, it is permissible to macadamize out to the street. If there is three-foot grass plot, a driveway may be ramped up in the grass area. Curbs at a driveway can be poured with a ramp.
- M. Slope of sidewalk. All sidewalks hereafter laid shall have a slope or pitch of three-eighths ($\frac{3}{8}$) of an inch to the foot, extending upward from the curblineline to the building line, and in cases where the sidewalk does not extend continuously from the curblineline to the building line, the pitch or slope shall be of the same rate already mentioned and determined in the same way as if the sidewalk were continuous from the curblineline to the building line; however, in the case of existing structures for which, on account of the height of existing doors and windows, the rate of pitch or slope as above given may produce serious inconvenience, upon application being made by the owner or owners of properties under consideration to the engineer, said officials may permit some other slope than the one given above to be used; provided, however, that said other slope interferes in no serious way with the sidewalks of adjoining properties. At street and alley corners, the slope may be such as will best meet the existing conditions. The construction of private crossings or passageways to garages or yards shall comply with plans and specifications as prepared by the engineer.

STREETS AND SIDEWALKS

126 Attachment 1

Township of North Londonderry

Street Design and Construction Standards [Added 4-15-2002 by Ord. No. 126; amended 9-19-2005 by Ord. No. 137]

Minimum Street Design Standards

Requirement	Arterial	Street Type			
		Collector	Local (with curbs – parking on pavement)	Local (without curbs – no parking on pavement)	Cul-de-Sac ¹
R-O-W width (feet)	As determined by PennDOT and Township Supervisors	50	50	40	55-foot radius
Pavement width (feet)	As determined by PennDOT and Township Supervisors	35	35	28	50-foot radius
Maximum grade	7%	7%	10%	10%	10%
Minimum grade	0.75%	0.75%	0.75%	0.75%	0.75%
Minimum radius of curve at center line (feet)	As determined by PennDOT and Township Supervisors	300	150	150	150
Minimum tangent between curves (feet)	As determined by PennDOT and Township Supervisors	150	100	100	100
Minimum sight distance (feet)	As determined by PennDOT and Township Supervisors	275	200	200	200

NOTES:

¹ Cul-de-sac streets shall be permitted only in special situations upon approval by the Board of Supervisors.

(1) Cul-de-sac streets shall be no less than two hundred fifty (250) feet nor more than six hundred (600) feet in length.

(2) Cul-de-sac streets shall serve a maximum of ten (10) lots or dwelling units.

(3) Cul-de-sac streets shall be designed to provide at least two (2) easement areas for snow removal in the cul-de-sac radius area.

Street Construction Standards

Stone base: Eight-inch compacted stone base, 3A modified.

Binder course: Superpave Asphalt Mixture, HMA binder course, PG 64-22, 25MM mix, five-inch depth [applied in two (2) lifts].

Wearing course: Superpave Asphalt Mixture, HMA wearing course, PG 64-22, 9.5 MM mix, one-and-one-half-inch depth.

Chapter 130

SUBDIVISION AND LAND DEVELOPMENT

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 126.

Zoning — See Ch. 150.

ARTICLE I

Geodetic Control Requirement for Land Development Plans

[Adopted 2-9-1993 by Ord. No. 94 (Ch. 87, Art. I, of the 1991 Code)]

§ 130-1. Plat requirements for major subdivisions and land development.

- A. Any landowner or other person having a proprietary interest in land, when planning a major subdivision or land development as defined by the Lebanon County Subdivision and Land Development Ordinance, shall be required to provide to the Township, prior to final approval of any major subdivision or land development plan, the following: The plat boundary shall be field tied to the nearest North Londonderry Township monument, which is based upon the State Plane Coordinate Systems NAD83, in accordance with one (1) of the two (2) methods outlined below:
- (1) Self-closing (looped) traverse(s) shall be conducted between two (2) North Londonderry Township monuments and the plat boundary with a minimum precision of no less than one (1) part in ten thousand (10,000) before adjustment.
 - (2) Self-closing (looped) traverse(s) shall be conducted between one (1) North Londonderry Township monument, the plat boundary and a line whose azimuth has been determined by astronomic observation or Global Position System (GPS) with a minimum precision of no less than one (1) part in ten thousand (10,000) before adjustment. Astronomic or GPS observation shall be performed in accordance with third order, Class II requirements set forth in Standards and Specifications for Geodetic Control Networks, Federal Geodetic Control Committee, September 1984 or as subsequently amended.
- B. Geodetic control points that are used shall be shown on the plat by graphically identifying their location, name and number. The final adjusted direct tie (bearing and distance) shall be shown between those geodetic control points and specific point(s) on plat boundary. If only one (1) North Londonderry Township monument was used as in the method in Subsection A(2) above, a bearing diagram shall be shown on the plat relating the bearing structure shown on the plat to grid north.

§ 130-2. Certified copy of electronic data file to be submitted to Township.

A certified copy of the associated electronic data file shall be given to North Londonderry Township in order to expedite entering the subdivision or land development into the Township's records.

ARTICLE II
Traffic Signs in Major Subdivisions
[Adopted 12-14-1993 by Ord. No. 99 (Ch. 87, Art. II, of the 1991 Code)]

§ 130-3. Purpose.

This article is designed to insure the accurate and proper placement of all traffic control devices, traffic and regulatory signs on public streets in new major subdivisions in North Londonderry Township, to be consistent with Chapter 67 of the Pennsylvania Department of Transportation Rules and Regulations.

§ 130-4. Definitions.

A. Unless otherwise specified, words and phrases used in this article shall have the meanings ascribed to them in the Vehicle Code of the Commonwealth of Pennsylvania,¹ as now in force, or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

B. The following words or phrases, when used in this article, shall have the following definitions:

APPLICANT — A landowner or developer who has filed an application for development, including his or her heirs, successors and assigns.

COUNTY — Lebanon County, Pennsylvania.

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.

ENGINEERING AND TRAFFIC STUDY — An orderly examination and analysis by a registered professional engineer, of physical features and traffic conditions conforming to generally accepted engineering standards and practices as specified by the Pennsylvania Department of Transportation for the purpose of ascertaining the need or lack of need for a particular traffic sign, signal or regulatory sign.

FINAL PLAN — A complete and exact subdivision or land development plan prepared for recording as required by statute, to define property rights, proposed streets and other improvement; a final plat.

GOVERNING BODY — The North Londonderry Township Board of Supervisors.

HIGHWAY — The entire width between the boundary lines of every publicly maintained way when any part of it is open to the use of the public for purposes of vehicular travel; the term includes roadways, streets and cartways.

1. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

IMPROVEMENTS — Physical additions and changes to the land necessary to produce usable and desirable lots.

LAND DEVELOPMENT — The subdivision of land, or the improvement of one (1) lot or two (2) or more lots, tracts or parcels of land for any purpose involving a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or involving 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.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, a lessee if he or she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MAJOR SUBDIVISION — Any subdivision or land development involving more than five (5) lots or dwelling units; or any subdivision or land development on a property after five (5) or more lots or dwelling units have previously been subdivided from that property; or any subdivision or land development proposing the opening, widening, or extension or improvement of a street shall be deemed to be a major subdivision or land development; multifamily, mobile home park, commercial and industrial development, regardless of the number of lots or units created.

MUNICIPALITY — City, borough or Township.

PLAT — The map or plan of a subdivision or land development, whether preliminary or final.

TOWNSHIP — The governmental jurisdiction and legal entity of North Londonderry Township, Lebanon County, Pennsylvania.

TRAFFIC SIGNS — Official traffic control devices, including but not limited to signs, signals, markings and other devices authorized by the Pennsylvania Department of Transportation, consistent with the basic rules of the road as established by the Pennsylvania Vehicle Code, which are placed or erected for the purpose of regulating, warning or guiding traffic by authority of the governing body of the municipality or other official having jurisdiction over the highway.

§ 130-5. Engineering and traffic study.

Applicants, when submitting major subdivision or land development plans, shall include engineering and traffic study data for each proposed traffic sign. The study shall conform to the guidelines set forth in Title 67 of the Pennsylvania Department of Transportation Rules and Regulations.

§ 130-6. Placement of signs.

Details regarding the placement of traffic signs shall be shown on all plans submitted for review. Placement specifications shall coincide with the engineering and traffic study data, as well as Title 67 of the Pennsylvania Department of Transportation Rules and Regulations.

ARTICLE III

Lebanon County Subdivision and Land Development Ordinance

[The Township operates under the Lebanon County Subdivision and Land Development Ordinance. This ordinance, adopted by Lebanon County 7-20-1989 as Ordinance Number 13 (Ch. 87, Art. III, of the 1991 Code), and any subsequent amendments thereto, are on file in the Township offices.]

Chapter 134

TAXATION

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Local Services Tax

[Adopted 12-3-2007 by Ord. No. 145 (Ch. 91, Art. I, of the 1991 Code)]

§ 134-1. Title.

This article shall be known and may be cited as the "North Londonderry Township Local Services Tax Ordinance."

§ 134-2. Authority.

This article is enacted under the authority of the Local Tax Enabling Act, as amended by Act No. 7 of 2007.

§ 134-3. Purpose.

The purpose of this article is to provide revenue for police, fire and emergency services; road construction and maintenance; the reduction of property taxes and for such other purposes as may be specified for such tax from time to time by the laws of the Commonwealth of Pennsylvania.

§ 134-4. Definitions.

The following words and phrases when used in this article shall have the meanings ascribed to them in this section except where the context clearly indicates or requires a different meaning:

BOARD OF SUPERVISORS — The governing body of the Township of North Londonderry.

COLLECTOR — The person or firm, from time to time, designated by resolution of the Board of Supervisors of North Londonderry to collect and administer the provisions of this article and collect the tax levied by this article. Until changed by subsequent resolution, the collector shall be the same person or firm last designated to collect the Emergency and Municipal Services Tax for the Township of North Londonderry.

DCED — The Department of Community Economic Development of the Commonwealth of Pennsylvania or its successor.

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.¹

EMPLOYER — An individual, partnership, association, corporation, governmental body, agency or other entity employing one (1) or more persons on a salary, wage, commission, fee or other compensation basis, including a self-employed person.

HE, HIS OR HIM — Includes singular and plural number and male, female and neuter gender.

INDIVIDUAL — Any person engaged in any occupation, trade or profession within the jurisdictional limits of North Londonderry Township whose total earned income and net profits within North Londonderry Township are greater than twelve thousand dollars (\$12,000) per calendar year.

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.²

OCCUPATION — Any trade, profession, business or undertaking of any type, kind or character including services, domestic or other, carried on or performed within the jurisdictional limits of North Londonderry Township for which compensation is charged and/or received, whether by salary, wages, commissions, fees or net profits for services rendered.

POLITICAL SUBDIVISION — The area within the corporate limits of the Township of North Londonderry.

TAX — The local services tax levied in this article.

TAX YEAR — The period of January 1 until December 31 of any year.

§ 134-5. Levy.

The Township of North Londonderry hereby levies and imposes on every individual engaging in an occupation within the jurisdictional limits of North Londonderry Township a tax in the amount of fifty-two dollars (\$52) per annum, beginning January 1, 2008, and continuing on a calendar basis annually thereafter, until modified or repealed by subsequent ordinance. Each individual who exercise such privilege for any length of time during any tax year shall pay the tax for the year in the amount of fifty-two dollars (\$52), assessed on a pro rata basis, in accordance with the provisions of this article. This tax is in addition to all other taxes of any kind or nature heretofore levied by North Londonderry Township.

§ 134-6. Restricted use.

A. The Township of North Londonderry shall use the revenue derived from this tax for the

1. Editor's Note: "Pursuant to P.L. 197, No. 32, enacted 7-2-2008, sections of the Local Tax Enabling Act formerly codified in 53 P.S. § 6901 et seq. have been revised and renumbered. See now 53 P.S. § 6924.101 et seq. See now the definition of "earned income" at 53 P.S. § 6924.501.

2. Editor's Note: "Pursuant to P.L. 197, No. 32, enacted 7-2-2008, sections of the Local Tax Enabling Act formerly codified in 53 P.S. § 6901 et seq. have been revised and renumbered. See now 53 P.S. § 6924.101 et seq. See now the definition of "net profits" at 53 P.S. § 6924.501.

following purposes:

- (1) Emergency services, which shall include emergency medical services, police services and/or fire services.
 - (2) Road construction and/or maintenance.
 - (3) Reduction of property taxes.
 - (4) Property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Chapter 85 Subchapter F (relating to homestead property exclusion).
- B. The Township of North Londonderry shall use no less than twenty-five percent (25%) of the funds derived from the local services tax for emergency services.
- C. The tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

§ 134-7. Duty of employer.

- A. Each employer within North Londonderry Township and each employer situate outside North Londonderry Township who engages in business within North Londonderry Township, is hereby charged with the duty of collecting the tax from each of the employees engaged by the employer and performing work for the employer within North Londonderry Township and making a return and payment thereof to the collector. Further, each employer is hereby authorized to deduct this tax for each employee in his employ, whether said employee is paid by salary, wage, or commission and whether or not all such services are performed within the political subdivision.
- B. Each person subject to the tax shall be assessed 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 local services 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 of a dollar. Employer collection of the local services tax shall be made on a payroll period basis for each payroll period, beginning with the first payroll period in which the person is engaging in an occupation, except as provided in Subsection D of this section.
- C. No person shall be subject to the payment of the local services tax by more than one (1) political subdivision during each payroll period.
- D. 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.

- E. The tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer receipt of payment upon request by the taxpayer.
- F. No employer shall be held liable for failure to withhold the local services tax or for the payment of the withheld tax money to a political subdivision 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 employee complies with the provisions of § 134-13C of this article and remits the amount so withheld in accordance with this article.
- G. Employer shall be required to remit the local services taxes thirty (30) days after the end of each quarter of a calendar year.

§ 134-8. Returns.

- A. Employers are required to make and file a local services tax quarterly return thirty (30) days after the end of each quarter of a calendar year. The local services tax quarterly return shall list the name, address, and social security number of the employee; the physical address of the employee's place of employment; the number of payroll periods for which the local services tax was withheld and the amount of local services tax being remitted for each employee.
- B. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from salary, wages, or commissions paid by him to an employee, except as provided in this article, the employer shall be responsible for payment of the tax in full as though the tax had been originally levied against the employer.

§ 134-9. Dates for determining tax liability and payment.

Each employer shall use his employment and payroll records from the first day of January to March 31 each year for determining the number of employees from whom said tax shall be deducted and paid over to the collector on or before April 30 of the same calendar year. Supplemental reports shall be made by each employer on July 31, October 31 and January 31 for new employees as reflected on his employment and payroll records from April 1 to June 30, July 1 to September 30 and October 1 to December 31, and payments on these supplemental reports shall be made on July 31, October 31 and January 31, respectively.

§ 134-10. Individuals engaged in more than one (1) occupation or employed in more than one (1) political subdivision.

- A. 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 the payroll period, the priority of claim to collect the local

services tax shall be in the following order:

- (1) The political subdivision in which a person maintains his principal office or is principally employed;
 - (2) The political subdivision in which the person resides and works, if the tax is levied by that political subdivision;
 - (3) The political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.
- B. In the case of concurrent employment, an employer shall refrain from withholding the local services tax, if the employee provides:
- (1) 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 local services tax withheld; and
 - (2) 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.
- C. In case of a dispute, a tax receipt of the taxing authority for that calendar year declaring that the tax payer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.
- D. Refunds. 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. It is the intent of this article that no person shall be subject to the payment of the local services tax by more than one (1) political subdivision during each payroll period.

§ 134-11. Self-employed individuals.

All self-employed individuals and individuals whose employer is not required to withhold local taxes (certain state and federal agencies) who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the political subdivision shall be required to comply with this article and pay the pro rata portion of the tax due to the collector on or before the 30th day following the end of each quarter.

§ 134-12. Nonresidents subject to tax.

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in any occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this article be considered a self-employed person, and in the event his tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as herein provided.

§ 134-13. Exemptions and refunds.

- A. The local services tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.
- B. Any person whose total earned income and net profits from all sources within the political subdivision is less than twelve thousand dollars (\$12,000) for the calendar year in which the local services 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:
 - (1) Any person who 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%) permanent disability.
 - (2) 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 purpose 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.
- C. Procedure to claim exemption.
 - (1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the collector of the tax for the political subdivision levying the tax and file a copy of the certificate with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed.
 - (2) The exemption certificate shall have attached to it a copy of all of the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the local services tax. Upon receipt of the exemption certificate and until otherwise instructed by the collector of the tax for the political subdivision levying the tax, the employer shall not withhold the tax from the person during the calendar year or remainder of the calendar year for which the exemption certificate applies. Employers shall insure 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. The exemption certificate form shall be the uniform form provided by the political subdivision.
 - (3) With respect to a person who claimed an exemption from the local services tax, upon notification to an employer by the person or by the collector of the tax for the political subdivision, that the person has received earned income and net profits from all sources within that political subdivision equal to or in excess of twelve thousand

- dollars (\$12,000) 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 that political subdivision in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person as follows:
- (a) If a person who claimed an exemption for a given calendar year from the local services tax becomes subject to the tax for the calendar year the employer shall withhold the tax for the remainder of that calendar year.
 - (b) The employer shall withhold from the person, for the first payroll period after receipt of the notification under the above subsection, a lump sum equal to the amount of the tax that was not withheld from the person due to the exemption certificate filed by the person, plus the per payroll amount due for that first payroll period.
 - (c) 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.
 - (d) In the event the employment of a person subject to withholding of the local services tax under this exception is severed in that calendar year, the person shall be liable for any outstanding balance of tax due and the political subdivision levying the tax may pursue collection under this article.
- (4) Employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.
 - (5) Employers shall be responsible for retaining a copy of all exemption certificates filed by employees within a given calendar year for a minimum of three (3) years.
 - (6) Employers who have failed to withhold the local services tax from an employee or employees, and do not have copies of the employee exemption certificate or certificates, will be held responsible for the payment of the local services tax as if the tax had been originally levied against the employer.
- D. North Londonderry Township shall establish procedures for processing of refunds of claims for any tax paid by any person who is eligible for exemption which procedure shall be in accordance with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. No refund shall be made for amounts overpaid in a calendar year that do not exceed one dollar (\$1). The collector shall determine eligibility for exemption and provide refunds to exempt persons.

§ 134-14. Administration of tax.

- A. Any subsequent collector shall be appointed by resolution of the political subdivision. It shall be the duty of the collector to accept and receive payments of this tax and 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. It shall be the duty of the collector to accept and keep a record of the information submitted by employers relating to the number

of employees subject to the tax, the number of employees exempt from the tax, the employee exemption certificates and refunds of the tax paid to individuals and employers.

- B. The collector is hereby charged with the administration and enforcement of this article and is hereby empowered to proscribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of the payroll records of any employer subject to this article; the examination and correction of any return made in compliance with this article; 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 consistent with the Local Taxpayer Bill of Rights under Act 50 of 1998.
- C. 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.

§ 134-15. Suit for collection.

- A. In the event any of the tax under this article remains due or unpaid thirty (30) days after the due date set forth above, the collector may sue for the recovery of such tax due or unpaid together with interest and penalty.
- B. If for any reason the tax 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 ten percent (10%) shall be added to the flat rate of said tax for nonpayment thereof. Where suit is brought for the recovery of this tax, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection, including, but not limited to, administrative expenses and attorney's fees.

§ 134-16. Violations and penalties.

Whoever makes any false or untrue statement on any return required by this article, or who refuses inspection of his books, records or accounts in his custody and control in order to determine the number of employees subject to this tax who are in his employment, or who fails or refuses to file any return required by this article, or fails or refuses to pay the tax herein levied shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) plus costs and, in default of payment of said fine and costs, be sentenced to a term of imprisonment not to exceed thirty (30) days. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refused to file a return required by this article. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

§ 134-17. Repealer and severability.

- A. The provisions of this article shall be severable. If any of its provisions shall be held to be

unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this article or of the Township of North Londonderry Code of Ordinances.

- B. Ordinance Number 136 (Emergency and Municipal Services Tax) is hereby repealed effective December 31, 2007.

ARTICLE II
Earned Income and Net Profits Tax
[Adopted 11-21-2011 by Ord. No. 163]

§ 134-18. Title.

This article shall be known and may be cited as the "North Londonderry Township Earned Income and Net Profits Tax Ordinance."

§ 134-19. Definitions.

All terms defined in the Local Tax Enabling Act³ shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

COLLECTOR — The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the tax.

EFFECTIVE DATE — January 1, 2012.

GOVERNING BODY — North Londonderry Township.

LOCAL TAX ENABLING ACT — The Local Tax Enabling Act, as set forth in 53 P.S. § 6901 et seq. while such numbering and provisions remain in effect under Act 32 of 2008, and as set forth in 53 P.S. § 6924.101 et seq. when such numbering and provisions become effective under Act 32, and as amended in the future.

TAX — The tax imposed by this enactment.

TAX RETURN — A form prescribed by the collector for reporting the amount of tax or other amount owed or required to be withheld, remitted, or reported under this enactment or the Local Tax Enabling Act.

TAX YEAR — The period from January 1 to December 31.

TAXING AUTHORITY — North Londonderry Township.

TCC — The Tax Collection Committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

TCD — Any tax collection district to which the taxing authority or any part of the taxing authority is assigned under the Local Tax Enabling Act.

THIS ENACTMENT — This article.

§ 134-20. Imposition of tax; rate.

3. Editor's Note: See 53 P.S. § 6924.101 et seq.

- A. General purpose resident tax. The taxing authority hereby imposes a tax for general revenue purposes at the rate of 0.5% on earned income and net profits of individual residents of the taxing authority.
- B. Ongoing tax. The tax shall continue at the above rate during the current tax year and each tax year thereafter, without annual reenactment, until this enactment is repealed or the rate is changed.
- C. Local Tax Enabling Act applicable. The tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this enactment. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this enactment upon the effective date of such amendment, without the need for formal amendment of this enactment, to the maximum extent allowed by 1 Pa.C.S. § 1937.
- D. Applicable laws, regulations, policies, and procedures. The tax shall be collected and administered in accordance with all applicable laws and regulations; and with regulations, policies, and procedures adopted by the TCC or by the collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S. § 1937.

§ 134-21. Exemption.

Although credits and deductions against the tax are permitted under certain circumstances as provided in applicable law and regulations, no individuals are exempt from the tax based on age, income, or other factors.

§ 134-22. Individual tax returns and payments.

Every individual receiving earned income or earning net profits in any tax year shall file tax returns and pay tax in accordance with the Local Tax Enabling Act.

§ 134-23. Employer withholding, remittance, and tax returns.

Every employer shall register, withhold, and remit the tax, and file tax returns in accordance with the Local Tax Enabling Act.

§ 134-24. Collection of tax.

The tax will be collected from individuals and employers by the collector.

§ 134-25. Interest, penalties, costs, and fines.

Individuals and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the collector in accordance with the Local Tax Enabling Act.

§ 134-26. Purpose; effect on prior provisions.

The primary purpose of this enactment is to conform the earned income and net profits tax currently imposed to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior enactment imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this enactment. Any other prior enactment or part of any prior enactment conflicting with the provisions of this enactment is rescinded insofar as the conflict exists. To the extent the same as any enactment in force immediately prior to adoption of this enactment, the provisions of this enactment are intended as a continuation of such prior enactment and not as a new enactment. If this enactment is declared invalid, any prior enactment levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this enactment. If any part of this enactment is declared invalid, the similar part of any prior enactment levying a similar tax shall remain in effect and shall not be affected by adoption of this enactment. The provisions of this enactment shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish an offense under the authority of any enactment in force prior to adoption of this enactment. Subject to the foregoing provisions of this section, this enactment shall amend and restate on the effective date any enactment levying a tax on earned income or net profits in force immediately prior to the effective date.

ARTICLE III

Fire Hydrant Tax

[Adopted 1-9-1979 by Res. No. 1-9-79 (Ch. 91, Art. III, of the 1991 Code)]

§ 134-27. Fire hydrants provided upon request.

North Londonderry Township will provide fire hydrants in areas of the Township served by public water upon receiving a petition from the surface property owners of a majority of the linear-feet frontage along any highways, streets or roads within said areas.

§ 134-28. Installation without petition.

North Londonderry Township may institute installation of fire hydrants without a petition of the surface property owners of a majority of the linear-feet frontage along any highways, streets or roads within the Township when deemed to be in the best interest of the Township.

§ 134-29. Properties subject to tax. [Amended 11-12-1991 by Ord. No. 86]

All properties, or portions thereof, within seven hundred eighty (780) feet of a fire hydrant provided by the Township will be subject to an annual fire hydrant tax. Highways, streets or buildings will not be considered a barrier in determining the distance from a hydrant to property.

§ 134-30. Vacant lots. [Amended 11-12-1991 by Ord. No. 86]

Vacant lots, with the exception of farmland, will be subject to the fire hydrant tax if located within seven hundred eighty (780) feet of a fire hydrant provided by the Township.

§ 134-31. Review of fund; establishing tax rate.

The Township Board of Supervisors shall annually review the financial status of the fire hydrant

fund and establish, by resolution, the tax rate to cover the cost and expense of such hydrants.

§ 134-32. Review of tax list. [Amended 11-12-1991 by Ord. No. 86]

The Township Supervisors, or an authorized agent, shall annually review all properties located within seven hundred eighty (780) feet of a fire hydrant and shall make necessary changes to the tax list prior to submitting the list to the Township Tax Collector. The tax will be based on assessed property value as determined by the Lebanon County Tax Assessor.

§ 134-33. Collection; Tax Collector's commission.

The Township Tax Collector shall collect the fire hydrant tax in the same manner and receive the same commission as other Township taxes.

§ 134-34. Deposit and use of funds.

The Township Treasurer shall receive and deposit all such taxes in a special fire hydrant tax account. Expenditures from this account shall be used only for paying costs and expenses for fire hydrant service in the taxable areas.

§ 134-35. Annual report.

The Township Tax Collector and the Township Treasurer shall make a report to the Auditors of the Township annually.

ARTICLE IV

Realty Transfer Tax

[Adopted 12-18-2006 by Ord. No. 142 (Ch. 91, Art. IV, of the 1991 Code)]

§ 134-36. Imposition of tax; rate.

North Londonderry Township adopts the provisions of Article XI-D of the Tax Reform Code of 1974¹ and imposes a realty transfer tax as authorized under that article, subject to the rate limitations therein. The tax imposed under this section shall be at the rate of one percent (1%).

§ 134-37. Administration; collection; enforcement.

The tax imposed under § 134-37 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511, as amended, known as "The Local Tax Enabling Act;" provided that if the correct amount of the tax is not paid by the last date prescribed for timely payment. North Londonderry Township, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 134-38. Interest on unpaid taxes.

4. Editor's Note: See 72 P.S. § 8101-D et seq.

Any tax imposed under § 134-37 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. § 7101 et seq.), as amended, known as "The Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as "The Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

ARTICLE V

Properties Under Construction or Improvement

[Adopted 5-14-1991 by Res. No. 5-14-1991 (Ch. 91, Art. V, of the 1991 Code)]

§ 134-39. Assessment and levy on interim basis.

Beginning as soon as possible, properties upon which construction is taking place or improvements are being made shall be assessed upon an interim basis and taxes predicated upon such assessment shall be levied on said interim basis.

§ 134-40. Authorization.

The Board of Supervisors of North Londonderry Township and the Board of Tax Assessment be and they are hereby authorized to do all necessary acts and to perform all necessary procedures to accomplish said purpose.

ARTICLE VI

Local Economic Revitalization Tax Assistance

[Adopted 11-19-2018 by Ord. No. 185]

§ 134-41. Definitions.

Except as otherwise specifically provided to the contrary, the following terms shall have the meanings set forth below:

EXEMPTION — Exemption from taxation established and obtained pursuant to Section 6 of the Local Economic Revitalization Tax Assistance Act, Act No. 1977, as amended, 72 P.S. 4722 et seq., otherwise known as "LERTA," 72 P.S. § 4727.

LERTA DISTRICT — A deteriorated area established by this article pursuant to LERTA.

TOWNSHIP — North Londonderry Township, Lebanon County, Pennsylvania.

§ 134-42. LERTA District established.

- A. The Township hereby establishes the LERTA District in accordance with 72 P.S. § 4722 et seq., known as the "Pennsylvania Local Economic Revitalization Tax Assistance Act," the boundaries of which shall consist of approximately 165 acres more particularly bounded and described on Exhibit "A" and as shown on Exhibit "B" which is attached and made part of this article which exhibits are on file with the Secretary for North Londonderry Township, said tract being identified above as "the property."
- B. Subject to compliance with all of the terms, covenants and conditions of this article and

upon application and approval of a request for exemption, the value of improvements erected and constructed within the above-described boundaries of the LERTA District shall be exempt from real estate taxation as described in this article.

§ 134-43. Exemption schedule.

- A. Assessment. The tax exemption provided for in this article shall be based upon assessed value attributable to the actual costs of new construction or improvements up to any maximum costs uniformly established by the Township based on the assessment determined by the Lebanon County Assessment Office.
- B. Length and amount. The length and the amount of the tax exemption provided for herein shall be a declining percentage based upon a maximum term of ten (10) years and determined by each taxing body by resolution approving a request for exemption over a maximum ten-year period as follows, with Year 1 being the tax year first following the effective date of the assessed value attributable to the new construction or improvements.
- C. Limitation. Exemption from taxation is expressly limited to any additional assessed valuation attributable to the actual costs of new constructions or improvements directed and constructed after the effective date of this article.

§ 134-44. Term of tax exemption.

This article shall become effective on the effective date set forth below and shall be applicable within the LERTA District for a maximum period of ten (10) calendar years thereafter, at which time it shall automatically expire.

§ 134-45. Exemption procedure.

- A. An owner of the property desiring a tax exemption in accordance with this article shall complete and submit in writing on forms provided by the Township, at the time it secures a building permit or construction permit, or if no building permit or other notification of new construction or improvement is required, at the time construction on a building commences, a request for tax exemption. Failure to timely apply for the tax exemption shall disqualify the improvement from the exemption provided for in this article.
- B. Upon application by any person, a copy of the exemption request shall be forwarded to the Lebanon County Board of Assessment and read "Lebanon County Board of Assessment shall after completion of the new construction or improvements separately assess the same and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by the Township (if any)." Upon notification of the assessment and/or reassessment, the amounts eligible for exemption, the exemption may be taken in accordance with the schedule established by resolution of each taxing body on a declining basis over a maximum ten-year period, as provided for herein.
- C. The Township is hereby authorized at any time and from time to time to adopt, promulgate, amend and implement reasonable regulations by resolution to carry out the terms of this article.

§ 134-46. Exemption after article termination.

An owner of the property timely applying for and receiving an exemption shall be entitled to the exemption in accordance with the schedule set forth herein, even if said schedule extends beyond the termination of this article, and, for this purpose, this article shall continue in force and effect until the last such exemption amount granted pursuant hereto has expired. In the event of any dispute concerning the timeliness or completion of any such applications, the determination of the Board of Supervisors held at a public meeting shall be final and binding.

§ 134-47. Severability.

If any sentence, clause, section, or part of this article is found to be invalid, unconstitutional, illegal, for any reason, such invalidity, unconstitutionality or illegality shall not affect or impair any of the remaining sections, clauses, parts or provisions of this article. This article shall be interpreted and applied as if said invalid, unconstitutional or illegal provision had not been part of the same, and it is the intent of the Board of Supervisors that this article would have been adopted without such invalid, unconstitutional or illegal provision or clause or part thereof.

Chapter 140

VEHICLES AND TRAFFIC

ARTICLE I **General Provisions**

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| <p>§ 140-1. Definitions and word usage.</p> <p>§ 140-2. Enactment of traffic and parking regulations.</p> <p>§ 140-3. Provisions to be continuation of existing regulations.</p> <p>§ 140-4. Temporary and emergency regulations.</p> <p>§ 140-5. Experimental regulations.</p> <p>§ 140-6. Closing or restricting traffic on streets.</p> <p>§ 140-7. Assemblages and processions.</p> <p>§ 140-8. Authority of police officers.</p> <p>§ 140-9. Electronic speed-timing devices.</p> | <p>§ 140-11. Stop intersections.</p> <p>§ 140-12. Yield intersections.</p> <p>§ 140-13. Depositing materials in streets unlawful.</p> <p>§ 140-14. Reckless operation of motor vehicles unlawful.</p> <p>§ 140-15. Driving on sidewalks unlawful.</p> <p>§ 140-16. Truck traffic restricted on certain streets.</p> |
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ARTICLE III **Parking Regulations**

- § 140-17. Parking prohibited at all times in certain locations.
- § 140-18. Parking and standing prohibited at all times.
- § 140-19. Obstructing traffic unlawful.
- § 140-20. Violations and penalties.

ARTICLE II **Traffic Regulations**

- § 140-10. Speed limits.
- § 140-10.1. School speed zone.

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 10-13-1987 by Ord. No. 68 (Ch. 97 of the 1991 Code). Amendments noted where applicable.]

ARTICLE I **General Provisions**

§ 140-1. Definitions and word usage.

- A. Words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Vehicle Code of the Commonwealth of Pennsylvania, as now in force, or as hereafter amended, enacted or reenacted,¹ except where the context clearly indicates a different meaning, provided that it shall be understood that the term "motor vehicle" shall

1. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

include but not be limited to an automobile, a motorcycle, a motordriven cycle, a motorized pedalcycle, a truck, a bus and an all-terrain vehicle.

- B. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.
- C. As used in this chapter, the following terms shall have the meanings indicated:

LEGAL HOLIDAYS — Includes New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

§ 140-2. Enactment of traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as amendments to ordinances or as parts of ordinances of North Londonderry Township, except where the law specifically authorizes less formal action.

§ 140-3. Provisions to be continuation of existing regulations.

The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this chapter, are intended as a continuation of earlier ordinances and regulations, and not as new enactments. Nothing in this chapter shall affect any act done or liability incurred or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

§ 140-4. Temporary and emergency regulations.

- A. The Board of Supervisors, the Township Manager and/or the Chief of Police of North Londonderry Township shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
 - (1) In the case of fire, flood, storm, snow or any other emergency, to establish temporary traffic and/or parking regulations.
 - (2) 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.
- B. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall drive, operate or park a vehicle or tractor in violation of any such regulation 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, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature, and in the case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300) and costs of prosecution and, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

§ 140-5. Experimental regulations.

The Board of Supervisors may, from time to time by resolution, designate places upon and along the highways in North Londonderry 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 drive, 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 the authority of this section. Any person who shall violate any provisions of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature, and in the case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300) and costs of prosecution and, in default of such fines and costs, to undergo imprisonment for not more than thirty (30) days, provided that the purpose of this section is to allow for the testing and experimental determination of the feasibility and desirability of permanent changes in the North Londonderry Township ordinances relative to traffic and parking.

§ 140-6. Closing or restricting traffic on streets.

- A. The Board of Supervisors and/or the Township Manager shall have the authority to close any highway or street or specific part of any highway or street within the Township to vehicular traffic and to place barriers, station police officers or station flagmen at each end of the closed portion while construction or maintenance work is underway or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive, operate or park a vehicle upon any such closed highway or street.
- B. The Board of Supervisors and/or the Township Manager shall have the authority to establish a restricted traffic area upon any highway or 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 or operate a vehicle upon any such restricted traffic area at any time when a flagman is displaying a sign directing that the vehicle is to stop or is signaling that vehicle, by flag or other device, not to proceed.
- C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) and costs of prosecution.

§ 140-7. Assemblages and processions.

- A. For the purpose of this section, the words "assemblage" and "procession" shall have the following meanings:

ASSEMBLAGE — A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

PROCESSION — A group of individuals, vehicles, animals, and/or objects moving along a street in a way that interferes with the normal movement of traffic. A "procession" shall not include a funeral caravan or military convoy.

- B. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Board of Supervisors of North Londonderry Township, or its designee, which shall be issued without fee. Application for the permit shall be made at least fourteen (14) days in advance of the date on which the assemblage is proposed to be held, except that, in any case where a state highway is proposed to be used, application shall be made at least twenty-one (21) days in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in an assemblage unless the permit has been granted, or at any time or place other than authorized by the permit.
- C. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession obtains a permit from the Board of Supervisors of North Londonderry Township, or its designee, which shall be issued without fee. Application for the permit shall be made at least fourteen (14) days in advance of the day when the procession is proposed to be held, except that, in any case where a state highway is proposed to be used, application shall be made at least twenty-one (21) days in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour and place where participants may commence to assemble and form before the procession is underway, the time when the procession may commence to move along its route and the time the procession shall have reached the end of the route of the procession and shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under conditions as to time or route or otherwise than those stated in the permit.
- D. Any person who violates any provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) and costs of prosecution.

§ 140-8. Authority of police officers.

The police officers of North Londonderry Township are hereby given the authority to direct traffic on the highways within the Township.

§ 140-9. Electronic speed-timing devices.

- A. The North Londonderry Township Police Department is hereby authorized to utilize any and all mechanical, electrical or electronic radar speed-timing devices for the determination of speed of a motor vehicle as are approved or will be approved, for use by municipal police, by the Department of Transportation of the Commonwealth of Pennsylvania, including but not limited to SpeedChek and Vascar Speed Timing device systems.

- B. This section authorizes the use of said devices on all highways within the Township, be they Township, county or state, and does also elect to exercise all powers granted to local authorities under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. § 6109 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

ARTICLE II Traffic Regulations

§ 140-10. Speed limits.

- A. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive or operate any vehicle on any part of a street where a maximum speed limit applies at a speed higher than the maximum prescribed for that portion of the street.

Name of Street	Limits	Maximum Speed Limit (mph)
Abbey Lane [Added 2-20-2018 by Ord. No. 183]	Entire length	25
Apple Blossom Lane [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Ash Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Auburn Drive [Added 9-19-2005 by Ord. No. 137; amended 5-18-2009 by Ord. No. 151]	Entire length	25
Augusta Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Barley Lane [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Barrington Road	Entire length	25
Blackberry Lane [Added 4-26-2010 by Ord. No. 158]	Entire length	25
Bowman Avenue [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Brunswick Lane [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Buttonwood Street [Added 2-9-1993 by Ord. No. 93; amended 9-19-2005 by Ord. No. 137]	Entire length	25
Cambridge Road	Entire length	25
Campbelltown Road [Added 5-18-2009 by Ord. No. 151]	Cottonwood Court to Palmyra Borough Line	40

Name of Street	Limits	Maximum Speed Limit (mph)
Campbelltown Road [Added 5-18-2009 by Ord. No. 151]	Cottonwood Court to Township Line	45
Campbelltown Road [Added 5-18-2009 by Ord. No. 151]	Palmyra Borough Line to Cottonwood Court (southbound)	40
Campbelltown Road [Added 5-18-2009 by Ord. No. 151]	Township Line to Cottonwood Court (northbound)	45
Charlston Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Chelsea Court [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Circle Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Clover Court [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Clover Lane [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Colony Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Columbus Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Congress Avenue [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Coventry Road	Entire length	25
Duke Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Early Lane [Added 9-19-2005 by Ord. No. 137]	Entire length	25
East Cherry Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
East Elm Street [Amended 9-19-2005 by Ord. No. 137]	Entire length	25
East Fir Street ² [Repealed 9-19-2005 by Ord. No. 137]		
East Maple Street [Added 7-16-2001 by Ord. No. 124; amended 9-19-2005 by Ord. No. 137]	Entire length	25

2. Editor's Note: By Ord. No. 161, adopted 6-20-2011, all entries for "East Fir Street" were updated to read "Fir Street."

Name of Street	Limits	Maximum Speed Limit (mph)
East Maple Street [Repealed 12-16-2002 by Ord. No. 127]		
East Ridge Road [Amended 6-20-2011 by Ord. No. 161; repealed 3-16-2020 by Ord. No. 194³]		
East Ridge Road [Amended 6-20-2011 by Ord. No. 161]	Palmyra Borough line to North Forge Road	40
Edison Road [Added 12-16-2002 by Ord. No. 127; amended 5-18-2015 by Ord. No. 175]	Entire length	35
Fairfax Lane [Added 9-19-2005 by Ord. No. 137]	Auburn Drive to Lexington Drive	25
Fir Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Folkstone Lane [Added 2-20-2018 by Ord. No. 183]	Entire length	25
Gravel Hill Road	Palmyra Borough line north to property 2H30	40
Gravel Hill Road	Property 2H30 north to Township line	55
Grubb Road [Added 7-16-2001 by Ord. No. 124; amended 9-19-2005 by Ord. No. 137]	Entire length	25
Harnish Street [Added 7-16-2001 by Ord. No. 124; amended 9-19-2005 by Ord. No. 137]	Entire length	25
Harry Avenue [Added 2-9-1993 by Ord. No. 93; amended 9-19-2005 by Ord. No. 137]	Entire length	25
Hartford Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Hedge Row Lane [Added 12-15-2008 by Ord. No. 148]	Entire Length	25
Hemlock Street [Amended 9-19-2005 by Ord. No. 137]	Entire length	25
Hetrick Avenue [Added 7-16-2001 by Ord. No. 124; amended 9-19-2005 by Ord. No. 137]	Entire length	25
Hetrick Court [Added 7-16-2001 by Ord. No. 124]	Entire length	25

3. Editor's Note: This ordinance amended this entry to read "West Ridge Road."

Name of Street	Limits	Maximum Speed Limit (mph)
Hickory Street [Added 9-19-2005 by Ord. No. 137; amended 2-20-2018 by Ord. No. 183]	Entire length	25
Hoffer Road [Amended 12-15-2008 by Ord. No. 148]	Plaza Drive to Township line	35
Holly Court [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Holly Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Horstick Avenue [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Kenmar Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Killinger Road [Added 12-16-2024 by Ord. No. 203]	From Hoffer Road/ Plaza Drive to Township Line at Killinger Creek	40
King Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Ladderback Lane [Added 12-15-2008 by Ord. No. 148]	Entire length	25
Lancashire Road [Added 2-20-2018 by Ord. No. 183]	Entire length	25
Leon Avenue [Added 2-9-1993 by Ord. No. 93; amended 9-19-2005 by Ord. No. 137]	Entire length	25
Lewis Road [Amended 7-16-2001 by Ord. No. 124; 9-19-2016 by Ord. No. 180]	Old Forge Road to Syner Road	35
Lexington Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Limestone Lane [Added 4-26-2010 by Ord. No. 158]	Entire length	25
Lindbergh Drive [Amended 7-16-2001 by Ord. No. 124]	Eisenhower Road to North Forge Road	35
Locust Street [Added 5-18-2015 by Ord. No. 175]	Entire length	25
Londonderry Boulevard [Added 2-9-1993 by Ord. No. 93; amended 9-19-2005 by Ord. No. 137]	Entire length	25
Lynnwood Court [Added 9-19-2005 by Ord. No. 137]	Entire length	25

		Maximum Speed
		Limit
		(mph)
Name of Street	Limits	
Lynnwood Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25

		Maximum Speed Limit (mph)
Name of Street	Limits	
Maize Street [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Mallard Point Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Mill Pond Way [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Miller Street [Added 7-16-2001 by Ord. No. 124; amended 9-19-2005 by Ord. No. 137]	Entire length	25
Millstone Drive [Added 7-16-2001 by Ord. No. 124]	Entire length	25
North Forge Road [Repealed 6-20-2011 by Ord. No. 161]		
North Forge Road [Amended 6-20-2011 by Ord. No. 161]	Railroad to East Ridge Road	40
North Forge Road [Amended 7-16-2001 by Ord. No. 124; amended 6-20-2011 by Ord. No. 161]	East Ridge Road to Old Forge Road	35
Oak Lane [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Oatfield Lane [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Old Forge Road [Amended 7-16-2001 by Ord. No. 124]	Syner Road to S.R. 4008	35
Orchard Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Oxford Road [Added 2-20-2018 by Ord. No. 183]	Parliament Drive to Parliament Drive	25
Pajabon Drive [Amended 9-19-2005 by Ord. No. 137]	Entire length	25
Palmyra-Bellgrove Road [Added 10-20-2003 by Ord. No. 129]	Old Forge Road east to North Annville Township line	45
Park Drive [Amended 6-20-2011 by Ord. No. 161]	Orchard Drive to South Forge Road (S.R. 0117)	25
Parliament Drive [Added 2-20-2018 by Ord. No. 183]	Oxford Road east to Oxford Road	25
Pear Street [Amended 6-20-2011 by Ord. No. 161]	West Larch Street to Dogwood Drive	25

Name of Street	Limits	Maximum Speed Limit (mph)
Pembroke Lane [Added 2-20-2018 by Ord. No. 183]	Entire length	25
Pickwick Circle [Added 12-15-2008 by Ord. No. 148]	Entire length	25
Pin Oak Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Plaza Drive [Added 12-15-2008 by Ord. No. 148]	Colony Drive to Killinger Road	35
Plaza Drive [Amended 9-19-2005 by Ord. No. 137]	U.S. Route 422 to Colony Drive	25
Queen Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Red Maple Circle [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Red Oak Circle [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Rye Lane [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Saratoga Run [Added 9-19-2005 by Ord. No. 137]	Entire length	25
South Forge Road	Palmyra Borough line south to South Londonderry line	40
South Franklin Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
South Grant Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
South Green Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
South Harrison Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
South Lincoln Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
South Lingle Avenue [Amended 6-20-2011 by Ord. No. 161]	Palmyra Borough line south to South Londonderry line	35
South Locust Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
South Prince Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25

Name of Street	Limits	Maximum Speed Limit (mph)
South Railroad Street [Amended 6-20-2011 by Ord. No. 161]	Orchard Drive north to Township boundary line	25
Sportsman Road [Added 4-8-1997 by Ord. No. 113]	Entire length from Old Forge Road to Plum Street	35
Summit Drive [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Sweetwater Drive [Added 12-15-2008 by Ord. No. 148; amended 5-18-2015 by Ord. No. 175]	Entire Length	25
Syner Road	Entire length	40
Truman Street [Added 9-19-2005 by Ord. No. 137; amended 2-20-2018 by Ord. No. 183]	Entire length	25
U.S. Route 422 [Amended 12-14-1993 by Ord. No. 100]	East, from a point 150 feet east of the center line of the intersection of Spruce Court and U.S. Route 422 to the South Annville Township line	55
U.S. Route 422 [Amended 12-14-1993 by Ord. No. 100]	Palmyra Borough line east to a point 150 feet east of the center line of the intersection of Spruce Court and U.S. Route 422	40
Victoria Lane [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Waterford Lane [Added 2-20-2018 by Ord. No. 183]	Entire length	25
West Elm Street [Added 12-14-1993 by Ord. No. 100; amended 7-16-2001 by Ord. No. 124; 9-19-2005 by Ord. No. 137]	Entire length	25
West Pine Street [Added 9-19-2005 by Ord. No. 137]	Entire length	25
West Ridge Road [Amended 6-20-2011 by Ord. No. 161; 3-16-2020 by Ord. No. 194]	From Dauphin County line to Palmyra Borough line	40
Wheatstone Court [Added 7-16-2001 by Ord. No. 124]	Entire length	25

Name of Street	Limits	Maximum Speed Limit (mph)
Wheatstone Drive [Added 7-16-2001 by Ord. No. 124]	Entire length	25
White Oak Circle [Added 9-19-2005 by Ord. No. 137]	Entire length	25
White Tail Lane [Added 5-18-2009 by Ord. No. 151]	Entire length	25
Wickerberry Lane [Added 4-26-2010 by Ord. No. 158]	Entire length	25
Willow Court [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Willow Lane [Added 7-16-2001 by Ord. No. 124]	Entire length	25
Windsor Way [Added 9-19-2005 by Ord. No. 137]	Entire length	25
Wood Crest Drive [Added 5-18-2009 by Ord. No. 151]	Entire length	25
Yorkshire Road	Entire length	25

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of thirty-five dollars (\$35). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two dollars (\$2) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

§ 140-10.1. School speed zone. [Added 5-15-2017 by Ord. No. 181; amended 12-20-2021 by Ord. No. 198]

It is hereby established that there shall be a school speed zone on the following street and location and at the effective hours as indicated, where and when the maximum speed limit for the operation of a motor vehicle or tractor shall be fifteen (15) miles per hour during days when the school in the particular location is open for the attendance of students:

Name of Street	Location	Effective Hours
Campbelltown Road	From a point 400 feet north of Cottonwood Court to a point 400 feet south of Cottonwood Court	7:20 a.m. to 7:50 a.m.; 2:45 p.m. to 3:15 p.m.

§ 140-11. Stop intersections.

- A. The following intersections are established as stop intersections, and official stop signs shall be erected (or are hereby ratified if previously erected) in such a position as to

face traffic approaching the second named street (the intersecting or through street) on the first named street (the stop street) in the direction or directions indicated for that intersection. Every driver or operator of a vehicle approaching the intersection on the first named or stop street, in the direction indicated in each case, shall stop the vehicle as required by Section 3323(b) of the Pennsylvania Vehicle Code⁴ and shall not proceed into or across the second named intersecting or through street until he has followed all applicable requirements of that section of law. **[Amended 7-11-1989 by Ord. No. 78; 11-12-1991 by Ord. No. 86]**

Stop Street	Intersecting or Through Street	Direction of Travel
Abbey Lane [Added 2-20-2018 by Ord. No. 183]	Oxford Road	North
Abbey Lane [Added 2-20-2018 by Ord. No. 183]	Parliament Drive	South
Apple Blossom Lane [Added 2-14-1995 by Ord. No. 105; amended 4-15-2002 by Ord. No. 126]	Oak Lane	North
Apple Blossom Lane [Added 2-14-1995 by Ord. No. 105; amended 4-15-2002 by Ord. No. 126]	Oak Lane	South
Apple Street [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road	East
Arbor Lane [Added 5-18-2015 by Ord. No. 175]	Cottonwood Court	West
Arbor Lane [Added 5-18-2015 by Ord. No. 175]	Sweetwater Drive	East
Ash Street	Park Drive	West
Auburn Drive [Added 4-15-2002 by Ord. No. 126]	Hoffer Road	East

4. Editor's Note: See 75 Pa.C.S.A. § 3323(b).

Stop Street	Intersecting or Through Street	Direction of Travel
Augusta Drive [Added 6-21-2004 by Ord. No. 132]	Lexington Drive	South
Barley Lane [Added 12-14-1993 by Ord. No. 100]	Wheatstone Drive	North
Barley Lane [Added 12-14-1993 by Ord. No. 100]	Wheatstone Drive	Northwest
Barrington Road	Cambridge Road	North
Birch Street	Syner Road	North (both)
Blackberry Lane [Added 4-26-2010 by Ord. No. 158]	Pickwick Circle	West
Blackberry Lane [Added 4-26-2010 by Ord. No. 158]	Sweetwater Drive	East
Bradley Road [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road	West
Brunswick Lane [Amended 7-16-2001 by Ord. No. 124]	Circle Drive	East
Brunswick Lane [Amended 6-20-2011 by Ord. No. 161]	East Maple Street	North
Brunswick Lane [Amended 6-20-2011 by Ord. No. 161]	East Maple Street	South
Buttonwood Street [Amended 6-20-2011 by Ord. No. 161]	Grubb Road	East
Buttonwood Street [Amended 6-20-2011 by Ord. No. 161]	Lynnwood Drive	West
Buttonwood Street	South Forge Road	East
Buttonwood Street	South Forge Road	West
Cambridge Road	Cambridge Road	South
Cambridge Road	South Lingle Avenue	East
Cedar Lane [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road	North
Charlston Drive [Added 4-15-2002 by Ord. No. 126]	Fairfax Lane	West
Charlston Drive [Added 4-15-2002 by Ord. No. 126]	Lexington Drive	East
Chelsea Court [Added 12-16-2002 by Ord. No. 127]	Oatfield Lane	West

Stop Street	Intersecting or Through Street	Direction of Travel
Cherry Street ⁴ [Repealed 2-14-1995 by Ord. No. 105]		
Cherry Street ⁵ [Repealed 2-14-1995 by Ord. No. 105]		
Circle Drive [Added 2-14-1995 by Ord. No. 105; amended 6-20-2011 by Ord. No. 161]	East Cherry Street	North
Circle Drive [Added 7-16-2001 by Ord. No. 124]	East Maple Street	North
Circle Drive [Added 7-16-2001 by Ord. No. 124]	East Maple Street	South
Clark Circle [Added 12-14-1993 by Ord. No. 100]	Clark Road	West
Clark Road	Bradley Road	North
Clark Road	Bradley Road	South
Clark Road [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road	North
Clover Court [Added 12-14-1993 by Ord. No. 100]	Clover Lane	East
Clover Lane [Added 12-14-1993 by Ord. No. 100]	Harnish Street	East
Clover Lane [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Hetrick Avenue	East
Clover Lane [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Hetrick Avenue	West
Clover Lane [Added 12-14-1993 by Ord. No. 100]	Wheatstone Drive	South
Colony Drive [Amended 6-20-2011 by Ord. No. 161]	Fir Street	North
Colony Drive [Amended 9-19-2005 by Ord. No. 137; amended 6-20-2011 by Ord. No. 161]	Fir Street	South
Columbus Street [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161]	West Elm Street	South

4. Editor's Note: By Ord. No. 161, adopted 6-20-2011, all entries for "Cherry Street" were updated to read "East Cherry Street."

5. Editor's Note: By Ord. No. 161, adopted 6-20-2011, all entries for "Cherry Street" were updated to "East Cherry Street."

Stop Street	Intersecting or Through Street	Direction of Travel
Congress Avenue	U.S. Route 422	North
Cottonwood Court [Added 5-18-2015 by Ord. No. 175]	Campbelltown Road	East
Cottonwood Court [Added 5-18-2015 by Ord. No. 175]	Sweetwater Drive	East
Coventry Road	Cambridge Road	West
Coventry Road	South Lingle Avenue	East
Dianna Drive [Amended 6-20-2011 by Ord. No. 161]	J.P. Drive	East
Dianna Drive [Amended 6-20-2011 by Ord. No. 161]	Valley Drive	North
Dogwood Drive	Mimosa Street	North
Dogwood Drive	Pear Street	South
Duke Street [Amended 6-20-2011 by Ord. No. 161]	Harry Avenue	North
Duke Street [Amended 6-20-2011 by Ord. No. 161]	Harry Avenue	South
Duke Street [Amended 6-20-2011 by Ord. No. 161]	Leon Avenue	South
Duke Street [Amended 6-20-2011 by Ord. No. 161]	Londonderry Boulevard	North
Early Lane [Added 12-16-2002 by Ord. No. 127; amended 6-21-2004 by Ord. No. 132]	Lexington Drive	North
Early Lane [Added 6-21-2004 by Ord. No. 132]	Windsor Way	South
East Cherry Street [Added 2-14-1995 by Ord. No. 105; amended 6-20-2011 by Ord. No. 161]	Apple Blossom Lane	East
East Cherry Street	Plaza Drive	East
East Cherry Street	Plaza Drive	West
East Cherry Street [Added 7-16-2001 by Ord. No. 124; repealed 6-21-2004 by Ord. No. 132]		
East Elm Street	Campbelltown Road	West
East Elm Street	South Forge Road	East
East Elm Street	South Forge Road	West
East Elm Street	South Railroad Street	East
East Elm Street	South Railroad Street	West

Stop Street	Intersecting or Through Street	Direction of Travel
East Fir Street ⁶ [Repealed 10-19-1998 by Ord. No. 116]		
East Fir Street ⁷ [Repealed 10-19-1998 by Ord. No. 116]		
East Fir Street ⁸ [Repealed 1-2-2001 by Ord. No. 123]		
East Fir Street ⁹ [Repealed 1-2-2001 by Ord. No. 123]		
East Larch Street [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road	West
East Maple Street [Added 7-16-2001 by Ord. No. 124]	Apple Blossom Lane	West
East Maple Street [Amended 7-16-2001 by Ord. No. 124]	Apple Blossom Lane	East
East Maple Street	Plaza Drive	East
East Maple Street	Plaza Drive	West
East Maple Street [Added 4-15-2002 by Ord. No. 126]	Truman Street	East
East Ridge Road [Amended 6-20-2011 by Ord. No. 161]	North Forge Road	West
Edison Road	Eisenhower Road	West
Edison Road [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road	East
Eisenhower Road	Gravel Hill Road (North)	East
Eisenhower Road	Gravel Hill Road (North)	West
Eisenhower Road	Gravel Hill Road (South)	West
Fairfax Lane [Added 4-15-2002 by Ord. No. 126; amended 4-26-2010 by Ord. No. 158]	Auburn Drive	North
Fairfax Lane [Added 4-15-2002 by Ord. No. 126; amended 4-26-2010 by Ord. No. 158]	Auburn Drive	South

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6. Editor's Note: By Ord. No. 161, adopted 6-20-2011, all entries for "East Fir Street" were updated to read "Fir Street."
7. Editor's Note: By Ord. No. 161, adopted 6-20-2011, all entries for "East Fir Street" were updated to read "Fir Street."
8. Editor's Note: By Ord. No. 161, adopted 6-20-2011, all entries for "East Fir Street" were updated to read "Fir Street."
9. Editor's Note: By Ord. No. 161, adopted 6-20-2011, all entries for "East Fir Street" were updated to read "Fir Street."

Stop Street	Intersecting or Through Street	Direction of Travel
Fairfax Lane [Added 6-21-2004 by Ord. No. 132]	Lexington Drive	North
Fir Street [Amended 6-20-2011 by Ord. No. 161]	South Forge Road	East

Stop Street	Intersecting or Through Street	Direction of Travel
Fir Street [Amended 6-20-2011 by Ord. No. 161]	South Forge Road	West
Fir Street [Amended 6-20-2011 by Ord. No. 161]	South Railroad Street	West
Folkstone Lane [Added 2-20-2018 by Ord. No. 183]	Oxford Road	North
Folkstone Lane [Added 2-20-2018 by Ord. No. 183]	Parliament Drive	South
Glen Road	Syner Road	South
Grubb Road [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Fir Street	North
Grubb Road [Amended 6-20-2011 by Ord. No. 161]	Leon Avenue	South
Harnish Street [Added 12-14-1993 by Ord. No. 100]	Hetrick Avenue	South
Harnish Street [Added 12-14-1993 by Ord. No. 100]	Pajabon Drive	North
Harnish Street [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161]	West Elm Street	North
Harnish Street [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161]	West Elm Street	South
Harry Avenue [Amended 6-20-2011 by Ord. No. 161]	Grubb Road	East
Harry Avenue	South Forge Road	West
Hartford Drive [Added 4-15-2002 by Ord. No. 126]	Hoffer Road	East
Hartford Drive [Added 4-15-2002 by Ord. No. 126]	Saratoga Run	West
Heather Lane [Added 5-15-2017 by Ord. No. 181]	Gravel Hill Road	West
Hedge Row Lane [Added 12-15-2008 by Ord. No. 148]	Ladderback Lane	North
Hedge Row Lane [Added 12-15-2008 by Ord. No. 148]	Sweetwater Drive	South
Hemlock Street [Amended 6-20-2011 by Ord. No. 161]	Grubb Road	East
Hemlock Street [Amended 6-20-2011 by Ord. No. 161]	Grubb Road	West

Stop Street	Intersecting or Through Street	Direction of Travel
Hemlock Street [Amended 6-20-2011 by Ord. No. 161]	King Street	East
Hemlock Street [Amended 6-20-2011 by Ord. No. 161]	King Street	West
Hemlock Street	Park Drive	West
Hemlock Street	South Forge Road	East
Hemlock Street	South Forge Road	West
Hemlock Street	South Prince Street	East
Hemlock Street	South Prince Street	West
Hetrick Avenue [Added 12-14-1993 by Ord. No. 100]	Clover Lane	North
Hetrick Avenue [Added 12-14-1993 by Ord. No. 100]	Clover Lane	South
Hetrick Avenue	Pajabon Drive	North
Hetrick Avenue	Pajabon Drive	South
Hetrick Avenue [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161]	West Elm Street	North
Hetrick Avenue [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161]	West Elm Street	South
Hetrick Avenue [Added 12-14-1993 by Ord. No. 100]	Wheatstone Drive	East
Hetrick Avenue [Added 7-16-2001 by Ord. No. 124]	West Elm Street	North
Hetrick Avenue [Added 7-16-2001 by Ord. No. 124]	West Elm Street	South
Hetrick Court [Added 12-14-1993 by Ord. No. 100]	Hetrick Avenue	Northeast
Hickory Street [Added 2-20-2018 by Ord. No. 183]	Oxford Road	South
Hickory Street [Added 4-15-2002 by Ord. No. 126]	Truman Street	West
High School Drive	Campbelltown Road	West
High School Drive	Park Drive (East)	North
High School Drive	Park Drive (West)	North
Highland Drive	North Clearview Drive	West (except right turn)

Stop Street	Intersecting or Through Street	Direction of Travel
Highland Drive [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161; 3-16-2020 by Ord. No. 194]	West Ridge Road	South

Stop Street	Intersecting or Through Street	Direction of Travel
Holly Drive	Ash Street	North
Holly Drive [Amended 6-20-2011 by Ord. No. 161]	Lynnwood Drive	East
Horstick Avenue	Pajabon Drive	North
Horstick Avenue	Pajabon Drive	South
Horstick Avenue [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161]	West Elm Street	South
J.P. Drive	Palmyra/Bellegrove Road	South
J.P. Drive	Valley Drive	North
Jan Dale Avenue [Amended 6-20-2011 by Ord. No. 161]	Palmyra/Bellegrove Road	North
Jean Drive	Palmyra/Bellegrove Road	South
Joanne Drive [Added 1-2-2001 by Ord. No. 123; amended 7-1-2001 by Ord. No. 124]	Star View Drive	North
Joanne Drive	Valley Drive	South
Judy Drive	Valley Drive	South
Kenmar Drive	East Maple Street	South
Kenmar Drive [Added 12-14-1993 by Ord. No. 100]	East Cherry Street	North
Killinger Road [Added 1-2-2001 by Ord. No. 123]	Plaza Drive	West
King Street [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Buttonwood Street	South
King Street [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	East Elm Street	North
King Street [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Fir Street	North
King Street [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Fir Street	South
Ladderback Lane [Added 12-15-2008 by Ord. No. 148]	Campbelltown Road	East
Ladderback Lane [Added 12-15-2008 by Ord. No. 148]	Pickwick Circle	West
Leon Avenue	South Forge Road	West

Stop Street	Intersecting or Through Street	Direction of Travel
Lewis Road [Added 12-14-1993 by Ord. No. 100]	Old Forge Road	East
Lewis Road	Syner Road	North
Lexington Drive [Added 4-15-2002 by Ord. No. 126]	Auburn Drive	South
Lexington Drive [Added 4-15-2002 by Ord. No. 126]	Hartford Drive	North
Lexington Drive [Added 4-15-2002 by Ord. No. 126]	Hartford Drive	South
Limestone Lane [Added 4-26-2010 by Ord. No. 158]	Sweetwater Drive	East
Lindbergh Drive [Amended 7-16-2001 by Ord. No. 124]	Eisenhower Road	West
Lindbergh Drive [Amended 7-16-2001 by Ord. No. 124]	North Forge Road	East
Locust Street [Added 5-18-2015 by Ord. No. 175]	Sweetwater Drive	South
Londonderry Boulevard [Amended 6-20-2011 by Ord. No. 161]	Grubb Road	East
Londonderry Boulevard [Amended 6-20-2011 by Ord. No. 161]	Grubb Road	West
Londonderry Boulevard	South Forge Road	West
Lynnwood Drive [Amended 6-20-2011 by Ord. No. 161]	Park Drive	South
Maize Street [Added 12-14-1993 by Ord. No. 100]	Barley Lane	West
Maize Street [Added 12-15-2008 by Ord. No. 148]	Pickwick Circle	East
Mallard Point Drive	Park Drive	North
Maple Street ¹⁰ [Added 2-14-1995 by Ord. No. 105; repealed 7-16-2001 by Ord. No. 124]		
Miller Street [Added 12-14-1993 by Ord. No. 100]	Clover Lane	North
Miller Street [Added 12-14-1993 by Ord. No. 100]	Clover Lane	South
Miller Street [Added 12-14-1993 by Ord. No. 100]	Hetrick Avenue	South
Miller Street	Pajabon Drive	North

10. Editor's Note: By Ord. No. 161, adopted 6-21-2011, all entries for "Maple Street" were updated to read "East Maple Street".

Stop Street	Intersecting or Through Street	Direction of Travel
Miller Street	Pajabon Drive	South
Miller Street [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161]	West Elm Street	North
Miller Street [Added 12-14-1993 by Ord. No. 100; amended 6-20-2011 by Ord. No. 161]	West Elm Street	South
Miller Street	West Pine Street	North
Mill Pond Way	Mallard Drive	West
Mill Pond Way	Park Drive	North
Millstone Drive [Added 12-16-2002 by Ord. No. 127]	Oatfield Lane (East)	South
Millstone Drive [Added 12-16-2002 by Ord. No. 127]	Oatfield Lane (West)	South
Naftzinger Road	Palmyra/Bellegrove Road	North
North Londonderry Square, East Exit [Added 12-14-1993 by Ord. No. 100]	U.S. Route 422	South (right turn only)
Oak Lane [Added 2-14-1995 by Ord. No. 105; amended 6-20-2011 by Ord. No. 161]	East Cherry Street	North
Oak Lane [Added 2-14-1995 by Ord. No. 105; amended 6-20-2011 by Ord. No. 161]	East Maple Street	North
Oak Lane [Added 2-14-1995 by Ord. No. 105; amended 6-20-2011 by Ord. No. 161]	East Maple Street	South
Oak Lane [Added 4-15-2002 by Ord. No. 126]	Pin Oak Street	East
Oatfield Lane [Added 12-14-1993 by Ord. No. 100]	Barley Lane	North
Oatfield Lane [Added 12-16-2002 by Ord. No. 127]	Lingle Avenue	West
Old Forge Road (except right turn) [Added 1-2-2001 by Ord. No. 123; amended 7-16-2001 by Ord. No. 124]	Lewis Road	North
Old Forge Road [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road (Clark Road)	South (except right turn)
Old Forge Road [Amended 7-16-2001 by Ord. No. 124]	Syner Road	North

Stop Street	Intersecting or Through Street	Direction of Travel
Orchard Drive [Amended 6-20-2011 by Ord. No. 161]	Campbelltown Road	West
Orchard Drive [Amended 6-20-2011 by Ord. No. 161]	South Railroad Street	East
Oxford Road [Added 2-20-2018 by Ord. No. 183]	Oxford Road	North
Oxford Road [Added 2-20-2018 by Ord. No. 183]	Parliament Drive	South
Pajabon Drive [Added 6-20-2011 by Ord. No. 161]	Borough Alley	West
Pajabon Drive [Amended 6-20-2011 by Ord. No. 161]	Columbus Street	East
Pajabon Drive [Amended 6-20-2011 by Ord. No. 161]	South College Street	East
Pajabon Drive [Amended 7-16-2001 by Ord. No. 124; amended 6-20-2011 by Ord. No. 161]	South Lingle Avenue	West
Park Drive	South Forge Road	East
Parliament Drive [Added 2-20-2018 by Ord. No. 183]	Oxford Road	East
Patton Road	Glen Road	West
Patton Road	Syner Road	South
Peach Street [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road	East
Pembrooke Lane [Added 2-20-2018 by Ord. No. 183]	Oxford Road	North
Pembrooke Lane [Added 2-20-2018 by Ord. No. 183]	Parliament Drive	South
Pickwick Circle [Added 4-26-2010 by Ord. No. 158]	Pickwick Circle	East
Pin Oak Street [Added 4-15-2002 by Ord. No. 126]	Hickory Street	East
Pin Oak Street [Added 4-15-2002 by Ord. No. 126]	Hickory Street	North
Pin Oak Street [Added 4-15-2002 by Ord. No. 126]	Hickory Street	West
Plaza Drive	Colony Drive	West
Plaza Drive	U.S. Route 422	North
Plum Street [Added 4-8-1997 by Ord. No. 113]	Sportsman Road	West

Stop Street	Intersecting or Through Street	Direction of Travel
Queen Street [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Harry Avenue	North
Queen Street [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Harry Avenue	South
Queen Street [Added 10-20-2003 by Ord. No. 129; amended 6-20-2011 by Ord. No. 161]	Leon Avenue	North
Queen Street [Amended 6-20-2011 by Ord. No. 161]	Leon Avenue	South
Queen Street [Amended 6-20-2011 by Ord. No. 161]	Londonderry Boulevard	North
Red Maple Circle [Added 4-15-2002 by Ord. No. 126]	East Maple Street	South
Red Oak Circle [Added 4-15-2002 by Ord. No. 126]	Oak Lane	West
Ridge Road ¹² [Repealed 6-21-2004 by Ord. No. 132]		
Rye Lane [Added 12-14-1993 by Ord. No. 100]	Wheatstone Drive	South
Rye Lane [Added 12-14-1993 by Ord. No. 100]	Wheatstone Drive	Southeast
Sandy Drive [Amended 6-20-2011 by Ord. No. 161; 3-16-2020 by Ord. No. 194]	Dianna Drive	West
Sandy Drive	J.P. Drive	East
Sandy Drive	J.P. Drive	West
Sandy Drive	Jean Drive	East
Saratoga Run [Added 6-21-2004 by Ord. No. 132]	Augusta Drive	North
Saratoga Run [Added 4-15-2002 by Ord. No. 126]	Charlston Drive	South
Saratoga Run [Added 6-21-2004 by Ord. No. 132]	Lexington Drive	North
Saratoga Run [Added 6-21-2004 by Ord. No. 132]	Lexington Drive	South
South Franklin Street	East Elm Street	North
South Franklin Street	East Elm Street	South

12. Editor's Note: By Ord. No. 161, adopted 6-20-2011, all entries for "Ridge Road" were updated to "East Ridge Road."

Stop Street	Intersecting or Through Street	Direction of Travel
South Franklin Street [Added 10-19-1998 by Ord. No. 116; amended 6-20-2011 by Ord. No. 161]	Fir Street	North
South Franklin Street [Added 10-19-1998 by Ord. No. 116; amended 6-20-2011 by Ord. No. 161]	Fir Street	South
South Franklin Street	Hemlock Street	South
South Grant Street	East Elm Street	North
South Grant Street	East Elm Street	South
South Grant Street [Amended 6-20-2011 by Ord. No. 161]	Fir Street	South
South Green Street	Buttonwood Street	North
South Green Street	Buttonwood Street	South
South Green Street	East Elm Street	North
South Green Street	East Elm Street	South
South Green Street [Amended 6-20-2011 by Ord. No. 161]	Fir Street	North
South Green Street [Amended 6-20-2011 by Ord. No. 161]	Fir Street	South
South Green Street	Hemlock Street	North
South Green Street	Hemlock Street	South
South Green Street	Park Drive	South
South Harrison Street	East Elm Street	North
South Harrison Street	East Elm Street	South
South Harrison Street [Amended 6-20-2011 by Ord. No. 161]	Fir Street	North
South Harrison Street [Amended 6-20-2011 by Ord. No. 161]	Fir Street	South
South Harrison Street	Hemlock Street	South
South Lincoln Street	South Railroad Street	South
South Locust Street [Amended 6-20-2011 by Ord. No. 161]	Pajabon Drive	North
South Locust Street [Amended 6-20-2011 by Ord. No. 161]	Pajabon Drive	South
South Locust Street	West Elm Street	North
South Locust Street	West Elm Street	South
South Prince Street	Buttonwood Street	North
South Prince Street	Buttonwood Street	South
South Prince Street	East Elm Street	North

Stop Street	Intersecting or Through Street	Direction of Travel
South Prince Street [Added 1-2-2001 by Ord. No. 123; amended 6-20-2011 by Ord. No. 161]	Fir Street	North
South Prince Street [Added 1-2-2001 by Ord. No. 123; amended 6-20-2011 by Ord. No. 161]	Fir Street	South
South Prince Street	Harry Avenue	North
South Prince Street	Harry Avenue	South
South Prince Street	Leon Avenue	South
South Prince Street	Londonderry Boulevard	North
South Prince Street	Londonderry Boulevard	South
Sportsman Road [Amended 7-16-2001 by Ord. No. 124]	Old Forge Road	South
Sportman's Club Driveway [Added 4-8-1997 by Ord. No. 113]	Sportsman Road	South
Spruce Court [Added 12-14-1993 by Ord. No. 100]	U.S. Route 422	North (right turn only)
Summit Drive	Brunswick Lane	West
Sweetwater Drive [Added 5-18-2015 by Ord. No. 175]	Cottonwood Court	North
Sweetwater Drive [Added 5-18-2015 by Ord. No. 175]	Cottonwood Court	South
Sweetwater Drive [Added 12-15-2008 by Ord. No. 148]	Ladderback Lane	North
Sweetwater Drive [Amended 12-15-2008 by Ord. No. 148]	Ladderback Lane	South
Sweetwater Drive [Added 5-18-2015 by Ord. No. 175]	Locust Street	East
Swimming Pool Drive	Park Drive	East
Truman Street [Added 4-15-2002 by Ord. No. 126]	East Maple Street	West
Truman Street [Added 4-15-2002 by Ord. No. 126]	Oak Lane	North
Truman Street [Added 4-15-2002 by Ord. No. 126]	Oak Lane	South
Truman Street [Added 2-20-2018 by Ord. No. 183]	Oxford Road	South
Valley Drive	Sportsmans Road	West
Victoria Lane [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Hetrick Avenue	East

Stop Street	Intersecting or Through Street	Direction of Travel
Villa Lane [Amended 7-16-2001 by Ord. No. 124]	Lindbergh Drive	South
Waterford Lane [Added 2-20-2018 by Ord. No. 183]	Oxford Lane	North
Waterford Lane [Added 2-20-2018 by Ord. No. 183]	Parliament Drive	South
West Elm Street	Campbelltown Road	East
West Elm Street	South College Street	East
West Elm Street	South Lingle Avenue	West
Westford Drive [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Auburn Drive	North
West Larch Street [Amended 7-16-2001 by Ord. No. 124; amended 6-20-2011 by Ord. No. 161]	Old Forge Road	East
West Pine Street [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	Hetrick Avenue	West
Wheatstone Court [Added 12-14-1993 by Ord. No. 100]	Wheatstone Drive	East
Wheatstone Drive [Added 4-26-2010 by Ord. No. 158; amended 6-20-2011 by Ord. No. 161]	South Lingle Avenue	West
Wheatstone Drive [Added 5-18-2015 by Ord. No. 175]	Sweetwater Drive	North
White Oak Circle [Added 4-15-2002 by Ord. No. 126]	Oak Lane	South
White Tail Lane [Added 5-18-2009 by Ord. No. 151]	Edison Road	North
Wickerberry Lane [Added 4-26-2010 by Ord. No. 158]	Pickwick Circle	West
Wickerberry Lane [Added 4-26-2010 by Ord. No. 158]	Sweetwater Drive	East
Willow Court [Added 12-14-1993 by Ord. No. 100]	Willow Lane	South
Willow Lane [Added 12-14-1993 by Ord. No. 100]	Harnish Street	West
Willow Lane [Added 12-14-1993 by Ord. No. 100]	Wheatstone Drive	East
Windsor Way [Added 4-15-2002 by Ord. No. 126]	Auburn Drive	East

Stop Street	Intersecting or Through Street	Direction of Travel
Windsor Way [Added 4-15-2002 by Ord. No. 126]	Fairfax Lane	East
Wood Crest Drive [Added 5-18-2009 by Ord. No. 151]	White Tail Lane	North
Yorkshire Road	Barrington Road	West (except right turn)
Yorkshire Road	South Lingle Avenue	East

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) and costs of prosecution.

§ 140-12. Yield intersections.

- A. The following intersections are established as yield intersections, and official yield signs shall be erected (or are hereby 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 the direction or directions indicated for that intersection. Every driver or operator of a vehicle approaching on the first named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by Section 3323(c) of the Pennsylvania Vehicle Code¹² and then yield the right-of-way as required by that subsection of the Pennsylvania Vehicle Code. **[Amended 11-12-1991 by Ord. No. 86]**

Yield Street	Through Street	Direction of Travel
Jean Drive	Valley Drive	West
Killinger Road [Repealed 1-2-2001 by Ord. No. 123]		
Lewis Road [Repealed 12-14-1993 by Ord. No. 100]		
Pear Street [Amended 6-20-2011 by Ord. No. 161]	West Larch Street	North
South Clearview Drive	Highland Drive	North
Sportsmans Road [Repealed 1-2-2001 by Ord. No. 123]		

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) and costs of prosecution.

§ 140-13. Depositing materials in streets unlawful.

- A. It shall be unlawful for any person while plowing, cultivating, constructing or working the ground in any manner, either by motor-driven or -drawn vehicle or otherwise, to

¹² Editor's Note: See 75 Pa.C.S.A. § 3323(c).

deposit ground, mud or any other material upon the hard or paved surface of any highway, road or street in the Township.

- B. No person shall throw or deposit upon any highway, road or street any wastepaper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance.
- C. Any person who drops, drags, throws or permits to be dropped, dragged or thrown upon any highway any ground, mud, wastepaper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any other dangerous or detrimental substance shall immediately remove the same or cause it to be removed.
- D. Any person removing a wrecked, damaged or disabled vehicle from a highway, road or street shall remove or neutralize any glass, oil or other injurious substance resulting from the accident or disablement.
- E. It shall be unlawful for any person while plowing, shoveling or blowing snow to place, push or throw any snow, ice or debris upon any street or highway within North Londonderry Township. This subsection shall not apply to North Londonderry Township, Pennsylvania Department of Transportation highway personnel and equipment or any subcontractor employed or authorized by either of the above. **[Added 4-12-1994 by Ord. No. 103]**
- F. It shall be unlawful for any person to place any material on the paved surface of any road or street in the Township which may be considered a traffic hazard. Such items may include, but not be limited to, temporary dumpsters, landscape mulch, decorative stone, topsoil and building materials such as stone, lumber, block or bricks. **[Added 10-20-2003 by Ord. No. 129]**
- G. Any person who violates any provision of this section shall, upon conviction, be sentenced to a fine not to exceed six-hundred dollars (\$600) and costs of prosecution. **[Amended 9-13-1988 by Ord. No. 74]**

§ 140-14. Reckless operation of motor vehicles unlawful.

- A. It shall be unlawful for any person who is the driver or operator of a motor vehicle, with the intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, to drive or operate any motor vehicle on the highway, roads, streets, trafficways or parking lots within the Township in a reckless or careless manner or deliberately squeal the tires of such motor vehicle.
- B. It shall be unlawful for any person who is the driver or operator of a motor vehicle to drive or operate any such motor vehicle on the property of another without the express consent of the property owner.
- C. Any person who violates any provisions of this section shall, upon conviction, be sentenced to pay a fine of not more than six hundred dollars (\$600) and costs of prosecution and/or undergo imprisonment in the Lebanon County Prison for a period of time not to exceed thirty (30) days. **[Amended 9-13-1988 by Ord. No. 74]**

§ 140-15. Driving on sidewalks unlawful.

- A. It shall be unlawful to drive or operate a motor vehicle or tractor upon any sidewalk in the Township, nor shall any person drive or operate any motor vehicle upon or across any sidewalk, except in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been properly cut down for that purpose.
- B. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) and costs of prosecution.

§ 140-16. Truck traffic restricted on certain streets.

A. Restrictions.

- (1) It shall be unlawful for any person to drive or operate a vehicle or combination other than a passenger car (light pickup truck or recreational vehicle) on any of the following streets or parts of streets:

Street	Between
Naftzinger Road [Repealed 12-14-1993 by Ord. No. 100]	
Park Drive	Orchard Lane and South Forge Road

- (2) It shall be unlawful for any person to drive or operate or park any motor vehicle or tractor, trailer or tractor trailer in combination having a gross weight in excess of twenty thousand (20,000) pounds on any of the following streets or parts of streets: **[Added 1-2-2001 by Ord. No. 123; amended 11-20-2017 by Ord. No. 182]**

Street	Between
Hoffer Road	Entire length
Killinger Road	Entire length
Plaza Drive	Entire length

- B. 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 while making local deliveries to or pickups from premises located along that street or part of street.
- C. Any person who violates any provisions of this section shall, upon conviction, be sentenced to pay a fine of not less than twenty five dollars (\$25) and not more than three hundred dollars (\$300) and the costs of prosecution.

ARTICLE III
Parking Regulations

§ 140-17. Parking prohibited at all times in certain locations.

Parking shall be prohibited at all times in the following locations:

Street	Side	Location
Barrington Road	Both	Entire length
Cambridge Road	Both	Entire length
Cottonwood Court [Added 7-15-2024 by Ord. No. 200]	North	North side of Cottonwood Court, from Campbelltown Road to Sweetwater Drive
Cottonwood Court [Added 7-15-2024 by Ord. No. 200]	South	South side of Cottonwood Court, from Campbelltown Road to Sweetwater Drive
Coventry Road	Both	Entire length
Park Drive [Added 8-19-2019 by Ord. No. 190]	North	From South Green Street to Ash Street on school days from 7:00 a.m. to 3:30 p.m.
Park Drive [Added 3-18-2019 by Ord. No. 188]	South	75 feet west and 65 feet east of the Palmyra Area High School bus loop exit driveway onto Park Drive
South Railroad Street [Added 2-14-1995 by Ord. No. 105]	East	From North Londonderry Township/Borough of Palmyra line south 290 feet
South Railroad Street [Added 2-14-1995 by Ord. No. 105]	West	From North Londonderry Township/Borough of Palmyra line south 307 feet
West Elm Street [Added 4-15-2002 by Ord. No. 126; repealed 5-18-2009 by Ord. No. 151]		
West Ridge Road [Added 5-18-2015 by Ord. No. 175]	South	South side of West Ridge Road, 200 feet east and west of Highland Drive
Yorkshire Road	Both	Entire length

§ 140-18. Parking and standing prohibited at all times.

It shall be unlawful for any person to stand or park a vehicle or to allow it to remain parked or standing, whether attended or unattended, upon a highway or in any of the following places:

- A. On a crosswalk.

- B. On a sidewalk.
- C. On any railroad tracks.
- D. In front of a public or private driveway.
- E. Within fifteen (15) feet of a fire hydrant.
- F. Within twenty (20) feet of a crosswalk at an intersection.
- G. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or any traffic control signal located at the site of a roadway.
- H. Any place where official signs prohibit parking.
- I. On the roadway side of any vehicle stopped or parked at the curb or edge of the highway.
- J. Except where necessary in obedience to traffic regulations or traffic signs or signals or where angle parking is permitted, the operator of a vehicle shall not stop, stand or park any vehicle on a highway within a business or residential district other than parallel with the edge of the highway, headed in the direction of the traffic, and with the curb side of the vehicle within twelve (12) inches of the edge of the highway or curb. Vehicles which because of type or construction cannot load or unload parallel to the curb shall be exempt, while loading or unloading only, from the requirements of standing parallel to the curb or highway. Angle parking and perpendicular parking shall be permitted on culs-de-sac within a residential district. **[Amended 8-8-1989 by Ord. No. 80]**
- K. In any place designated and marked as a fire zone.
- L. In any place designated and marked for handicapped parking.¹⁴

§ 140-19. Obstructing traffic unlawful.

It shall be unlawful for any person to park any vehicle in a manner which causes an obstruction, interference or menace to traffic, or to cause damage to any person or injury to any person or property.

§ 140-20. Violations and penalties. [Amended 10-20-2003 by Ord. No. 129; 2-21-2023 by Ord. No. 199; 8-19-2024 by Ord. No. 201]

- A. Fines.
 - (1) Any person who violates any provision (except as otherwise provided in this article) of this article shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) and the costs of prosecution. It shall be the duty of Township

14. Editor's Note: Original § 97-19 of the 1991 Code of Ordinances, Parking and storing of certain types of vehicles, restricted, as amended 11-12-1991 by Ord. No. 86, which immediately followed this section, was repealed 6-26-2006 by Ord. No. 140.

police officers to report to the Chief of Police all violations of this article, indicating in each case:

- (a) The section of this article violated.
 - (b) The registration number of the vehicle involved.
 - (c) The state or commonwealth of the registration.
 - (d) The location where the violation occurred.
 - (e) The date and time of the violation.
 - (f) Any other facts and/or circumstances that might be necessary in order to secure a clear understanding of the circumstances attending the violation.
- (2) For a violation of § 140-18L, Handicap parking, the fine shall be fifty dollars (\$50).
- B. The police officer shall attach to or place on every such vehicle a notice stating that the vehicle was parked in violation of this article. The notice shall contain instructions to the owner, driver or operator of that vehicle that, if he or she will report to the office of the Chief of Police within five (5) days and pay the sum of twenty-five dollars (\$25), that act will save the violator from prosecution and from payment of the fine and costs of prosecution, as prescribed in the first sentence of this section.
- C. For the purpose of the penalties provided in this article, each day that a violation is continued shall constitute a separate offense.

Chapter 150

ZONING

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[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 8-8-1989 by Ord. No. 79 (Ch. 103 of the 1991 Code). Amendments noted where applicable.]

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ARTICLE I
General Provisions

§ 150-1. Title.

This chapter shall be known and may be cited as "The North Londonderry Township Zoning Ordinance of 1989."

§ 150-2. Legislative intent.

This chapter is enacted for the purpose of promoting the health, safety, morals and the general welfare of the Township. It is to reflect the intent of the Township's development objectives as stated in the Comprehensive Plan, as adopted. It is designed to:

- A. Lessen congestion in the roads and highways.
- B. Secure safety from fire, panic and other danger.
- C. Provide adequate light and air.
- D. Prevent the overcrowding of land.
- E. Avoid undue congestion of population.
- F. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements.
- G. Conserve the value of buildings.
- H. Encourage the most appropriate use of land throughout the Township.

§ 150-3. Construal of provisions; objectives.

- A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and the general welfare of the Township. The Comprehensive Plan in accordance with which this chapter is enacted and which is reflected in the provisions of this chapter has been formulated to implement the purpose set forth in § 150-2 hereinabove, in the respects therein stated and more particularly with a view toward, inter alia, the following objectives:
 - (1) Guiding and encouraging the future development of the Township in accordance with Comprehensive Planning of land use and population density that represents the most beneficial and convenient relationships among the residential, commercial, nonmanufacturing, office, laboratory and recreational areas within the Township, having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses, as indicated by topography and soil conditions, existing man-made conditions and the trends in population, in the direction and manner of the use of land, in building development and in economic activity, considering such conditions and trends both within the Township and with respect to the relation of the Township to surrounding areas.
 - (2) Protecting the character and the social and economic stability of each of such areas and encouraging their orderly and beneficial growth.
 - (3) Protecting and conserving the value of land and buildings throughout the Township, depending on necessity or circumstances, appropriate to the various zoning districts established herein.

- (4) Bringing about through proper timing the gradual conformity of land use to the Comprehensive Plan aforesaid and minimizing conflicts among the use of land and buildings.
- (5) Aiding in bringing about the most beneficial relation between land use and the circulation of traffic throughout the Township, having particular regard to traffic to and from the expressways and to avoidance of congestion in the streets and the provision of safe and convenient access appropriate to the various land uses.
- (6) Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services and in the provision of safe and proper semiprivate

enterprise in building development, investment and other economic activity relating to land use.

- B. Insofar as such objectives are consistent with the purpose set forth in § 150-2 and with the aforesaid minimum requirements therefor, the provisions of this chapter shall be interpreted, administered and applied in such manner as will facilitate attainment of said objectives.

ARTICLE II

Terminology

§ 150-4. Word usage.

Unless otherwise stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated:

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural.
- C. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- D. The male gender references to "he" or "him" include the feminine "she" or "her" respectively.
- E. The word "lot" includes the words "tract" or "parcel" and vice versa.
- F. The term "shall" is always mandatory; the term "may" is permissive.
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

§ 150-5. Definitions.

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

ACCESSORY BUILDING — A building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers or any parts thereof. An accessory building may not house a principal use, nor may it stand alone on a lot as a principal building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ACT 247 — See "Pennsylvania Municipalities Planning Code."

ACTIVE ADULT RESIDENTIAL COMMUNITY — A residential development that is age-qualified in accordance with federal regulations,¹ including that at least eighty percent (80%) of the residences of the community shall be occupied by at least one person fifty-five (55) years of age or older, and which involves a unified development operated under common rules with private internal streets, landscaped areas along public streets, and private on-site recreational facilities. Housing shall be limited to single-family detached dwellings, single-family semidetached dwellings and single-family semidetached triplex dwellings within the active adult residential community. **[Added 12-19-2005 by Ord. No. 138; amended 6-26-2006 by Ord. No. 140; 11-19-2018 by Ord. No. 184]**

AGRICULTURE — The cultivation of the soil for food products or other marketable products, not including animal husbandry, or storage and/or processing of products grown on other premises.

ALLEY — A thoroughfare, usually twenty (20) feet or less in width, which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation.

ALTERATION — An enlargement of the total floor area of a building, an extension of a roofline to cover additional lot area not previously covered or construction which increases the cubic content of a building.

ALTERATION, STRUCTURAL — A change in the supporting members of a building such as bearing walls, columns, beams or girders.

ANIMAL HUSBANDRY — The raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility which is intended as a business or gainful occupation.

- A. **ANIMAL HUSBANDRY, INTENSIVE** — The practice of raising, keeping or breeding livestock or fowl that involves large numbers of animals or birds concentrated in a small area utilizing mass feeding. This shall include feedlots, poultry houses and other buildings, structures, corrals or pens in which animals are confined in close quarters. **[Amended 6-20-2011 by Ord. No. 161]**
- B. **ANIMAL HUSBANDRY, NONINTENSIVE** — The practice of raising, keeping or breeding livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairying operations. **[Amended 6-20-2011 by Ord. No. 161]**

APARTMENT — A dwelling unit which is part of a dwelling complex as defined elsewhere in this chapter, such as garden apartments, two-family detached or two-family semidetached, and is commonly rented on a monthly or longer basis.

AUTOMOBILE BODY SHOP — A building that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

1. Editor's Note: Reference is to the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq., and regulations promulgated thereunder.

BASEMENT — A story partly below the finished grade, but having at least one-half (1/2) of its height, measured from the finished floor to the finished ceiling, above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one (1) story in determining the permissible number of stories.

BOARDINGHOUSE — (Reserved)

BUFFER AREA — A yard space adjacent to a property line or building which contains landscaping and plantings designed to screen, separate and shield a use from adjoining properties.

BUILDING — A structure which has a roof supported by columns, piers or walls and which is intended for the shelter, housing or enclosure of persons, animals or chattel or which is to house a use of a commercial or manufacturing activity.

- A. **BUILDING, ATTACHED** — A building which has two (2) party walls in common.
- B. **BUILDING, DETACHED** — A building which has no party wall.
- C. **BUILDING, SEMIDETACHED** — A building which has only one (1) party wall in common.

BUILDING AREA — The total area of outside dimensions on a horizontal plane and ground level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, cornices, eaves, gutters or chimneys, bay windows and cantilevers not extending more than one (1) story, and steps and balconies. **[Amended 6-20-2011 by Ord. No. 161]**

BUILDING HEIGHT — The vertical dimensions measured from the average elevation of the finished lot grade around the building to the highest point of the roof.

BUILDING LINE — An imaginary line located along and parallel to a wall or other exterior supporting member of a structure or portion thereof, excluding self-supporting projecting architectural features that project five (5) feet or less. Minimum yard requirements are applied at the shortest distance from the lot lines to said building lines.

BUILDING, PRINCIPAL — A building in which the principal use of the lot is conducted.

CARPORT — See "garage, private."

CELLAR — A story partly below the finished grade having at least one-half (1/2) of its height, measured from the finished floor to the finished ceiling, below the average level of the adjoining finished grade where such finished grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

CENTER LINE — The line, whether painted or not, which is the center of the paved portion of a street or road. The center line may also be equidistant from the edges of the street right-of-way unless indicated differently on a subdivision or development plan.

CERTIFICATE OF ZONING COMPLIANCE — A certificate issued and enforced by the Zoning Administrator upon the completion of the construction of a new building or upon a change or alteration of a structure or use of a building which certifies that the applicant has

complied with all pertinent requirements and regulations as provided herein. This certificate is also used for registration of nonconforming uses of land or buildings.

CLINIC — An individual building or cluster of buildings, on a lot in single or common ownership, operated by one (1) or more licensed Pennsylvania health professionals for the purpose of providing treatment to the public on an outpatient basis.

COMMON OPEN SPACE — An area of land or water or combination of both located within a development site and designed and intended for use or enjoyment by residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

COMPREHENSIVE PLAN — A document designed by and for North Londonderry Township to state basic policies, development objectives and directions of future growth. It is a factual document that describes how the physical, social and economic past have formed the present-day Township, and it serves as an aid in the decisionmaking and rule-making processes that shape the Township's growth.

CONDOMINIUM — A building or complex of buildings in which units of property (i.e., single-family dwellings) are owned by individuals, and the balance of the complex or property (i.e., recreation areas, green space, and the like) is owned in common by the owners of the individual units. **[Added 12-19-2005 by Ord. No. 138]**

CONSTRUCTION — The building, reconstruction, demolition activities for reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. This shall include the placing of construction materials in a permanent position and fastened or placed in a permanent manner. Earthmoving activities shall not be deemed "construction."

CONVALESCENT HOME — See "nursing home."

COVERAGE — See "lot coverage."

DENSITY — The ratio of permitted uses to lot area specified by each district or type of use throughout this chapter.

DEVELOPMENT PLAN — The provisions for development of a planned 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. **[Amended 6-20-2011 by Ord. No. 161]**

DISTRICT — A portion of North Londonderry Township within which certain uniform regulations or combinations thereof apply under the provisions of this chapter.

DWELLING, SINGLE-FAMILY DETACHED — A detached or separate building designed for or occupied exclusively by one (1) family on an individual lot; however, this shall not include single-unit mobile homes, which are defined separately.

DWELLING, SINGLE-FAMILY SEMIDETACHED — A building with one (1) dwelling unit from ground to roof and only one (1) party wall in common with another dwelling unit.

Commonly described as a duplex, the "semidetached single-family dwelling" is on an individual lot, is connected on one (1) side to a similar dwelling on an adjacent lot and is usually owner-occupied.

DWELLING, TWO-FAMILY DETACHED — A separate building on an individual lot with two (2) dwelling units from ground to roof, one (1) unit being entirely or partially over the other. These units are normally renter-occupied and are not designed for further subdivision.

DWELLING, TWO-FAMILY SEMIDETACHED — A building with two (2) dwelling units from ground to roof, one (1) unit entirely or partially over the other, and only one (1) party wall in common with another, connected to a building which may contain one (1) or two (2) dwelling units.

DWELLING UNIT — One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities for one (1) family.

DWELLING UNIT, SINGLE-FAMILY SEMIDETACHED TRIPLEX — A freestanding building comprised of three (3) separate, ground-to-roof individual dwelling units. The two (2) end units shall share one (1) common wall while the interior unit shall share two (2) common walls. Each unit shall have a separate ground level entrance. **[Added 12-19-2005 by Ord. No. 138]**

FAMILY — One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or are legal foster children, no such "family" shall contain over five (5) persons, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FUEL-BURNING APPLIANCE, OUTDOOR — Any device including a furnace, outdoor wood boiler, stove or boiler designed and constructed to burn solid fuels, including wood, coal or other solid fuels manufactured for placement outdoors to provide for heat or energy source of another structure. An outdoor fuel-burning appliance utilizing a heat pump or one which uses solar energy, electric, oil, propane, gas or natural gas shall not be included in this definition and the same are exempt from the prohibitions provided for in this chapter. **[Added 6-20-2011 by Ord. No. 161]**

GARAGE, PRIVATE — A building, attached to or detached from the principal building, which provides for the storage of motor vehicles of the family or families residing on the premises and in which no occupation, business or service for profit is conducted. Within this definition is included the building commonly known as a "carport."

GARAGE, REPAIR — A structure, building or area of land or any portion thereof used for the servicing and repair of automotive vehicles. A repair garage may provide one (1) or more of the following services: general mechanical repair of motor vehicles, including state inspection, lubrication, washing or sale of accessories and motor vehicle fuels. Uses permissible as a repair garage do not include body work, straightening of body parts, painting, welding and storage of unlicensed vehicles or vehicles kept for parts.

GARDEN APARTMENTS — Multifamily apartment buildings located on a plat of land under one (1) ownership. Garden apartment buildings shall contain at least four (4), but not

more than twenty-four (24), dwelling units in a single structure, with the units generally renter-occupied. The garden apartments share: **[Amended 2-21-2023 by Ord. No. 199]**

- A. A common yard area which is the sum of the required lot areas of all dwelling units within the complex;
- B. Common off-street parking;
- C. Common outside apartment access for some or all units; and
- D. Central utilities.

GASOLINE STATION — A structure, building or area of land or any portion thereof that is used solely for the sale of gasoline or other motor vehicle fuel, lubricants or minor accessories for travelers' convenience, e.g., windshield wiper blades, spark plugs, fuses, bulbs, etc. This use may not include the sale of automotive parts, tires, service, polishing or washing. Any business or industry dispensing gasoline for its own use and vehicles will not be deemed a gasoline station.

GRADE, FINISHED — The completed surfaces of lawns, walks and roads brought to grades as shown on official plans of designs relating thereto.

GREENHOUSE — A building designed to allow the maximum amount of sunlight and to control temperature and humidity in order to propagate plants or vegetative growth whereas the plant or its part is removed for sale or process elsewhere, or are enjoyed or consumed by the occupants of the premises. Any greenhouse in which there are retail sales and/or items stocked for resale is a commercial use.

GROUP CARE FACILITY — A state authorized, certified or licensed facility, situated and operated as a substitute home with a family environment serving thirteen (13) or fewer mentally disordered, handicapped, dependent or neglected persons who do not require nursing care. Adult supervision and supportive care is provided to residents on a twenty-four-hour basis and is performed in accordance with the Public Welfare Code of Pennsylvania.²

HABITABLE FLOOR AREA — The sum of the floor areas of all heated, finished rooms within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; and attached garages which have been converted into an integral part of the living quarters. It does not include garages; porches, whether roofed, unroofed or enclosed; roofed terraces; unfinished and unheated basements, attics, cellars or garages, etc.

HOME OCCUPATION — Any gainful occupation conducted within a dwelling which is of a service or professional nature such that the following conditions are met as applicable: the proprietor engages in the sale of a service; the handling of any durable goods is limited to

2. Editor's Note: See 62 P.S. § 101 et seq.

repairing or handcrafting; and the handling of nondurable or consumable goods for sale is incidental to the service. Such home occupations include but are not limited to physicians, dentists, lawyers, architects, engineers and accountants; insurance, real estate or securities brokers; barbers and beauticians; photographers; tutors of individual students; seamstresses and tailors; and other occupations meeting these criteria which are not otherwise prohibited by law. Occupations of a nature that involve stocking of items for retail or wholesale transfer or use of facilities that involve a gathering of people or occupations that normally use large areas or customarily are not compatible with dwellings by virtue of creating excessive noise, fumes, odor, dust, electrical interference or substantially more than normal residential levels of traffic are prohibited. Prohibited home occupations include but are not limited to retail and wholesale stores; instructional classes of all types; shops and equipment storage of contractors; auto, truck or engine repair; or clinics.

HOMEOWNERS' ASSOCIATION — The residents of a subdivision, garden apartment or townhouse development who are bound by contractual agreement as a condition of their occupancy to share costs for maintenance of common open space, private streets or other duties unique to their surroundings. The agreement is not related to municipal ordinances.

HOSPITAL — A place having facilities for the diagnosis, treatment or other medical care of persons as inpatients or outpatients, including such establishments as a sanitarium, sanatorium and preventorium.

HOTEL — A building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include accessory commercial services primarily for serving its occupants and only incidentally the public.

JUNKYARD — A lot, land, structure or part thereof used for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded materials, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

KENNEL — See "pet kennel."

LANDSCAPING — Changing, rearranging or adding to the vegetation or appearance of land to produce a visual, aesthetic or environmental effect appropriate to the use of land. Landscaping may include reshaping the land by moving earth, as well as preserving the original vegetation or adding vegetation.

LAUNDROMAT — A business premises equipped with individual clothes-washing and/or clothes-drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multifamily housing development.

LICENSED PENNSYLVANIA HEALTH PROFESSIONAL — Persons duly authorized by the Commonwealth of Pennsylvania to practice specialties limited to the following, for purposes of this chapter: chiropractors, dentists, dental hygienists, medical doctors, midwives, nurses, optometrists, osteopaths, opticians, podiatrists, psychiatrists, psychologists and physical therapists.

LIVESTOCK — Any of the bovine, equine, porcine, ovine or gallinaceous species, including but not limited to cows, steers, horses, ponies, pigs, sheep, goats and poultry.

LOADING SPACE — An off-street area having adequate width, length and overhead clearance, exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

LOT — A single tract or parcel of land, with a corresponding legal description, held in single or joint ownership, which is occupied or capable of being occupied by a principal building or principal use, together with such accessory buildings or structures and such open spaces as are required or permitted by this chapter.

LOT AREA — An area of land which is determined by the limits of the property lines bounding that area and expressed routinely in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area for purposes of satisfying requirements of this chapter.

LOT, CORNER — In all districts, corner lots shall have one (1) required front yard, one (1) required rear yard and two (2) required side yards (all required yards being measured from either the road right-of-way line or the adjacent interior lot line). The yard toward which the front entrance of the building faces shall be designated as the front yard. (In no instance shall any object, structure or planting interfere with the visibility at any intersection as specified in § 150-90.) **[Amended 10-20-2003 by Ord. No. 129]**

LOT COVERAGE — The total of all building areas and structure areas, excluding driveways, sidewalks and other standard paved vehicular or pedestrian accessways, divided by the lot area and expressed as a percentage.

LOT DEPTH — A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT, INTERIOR — A lot other than a corner lot, the sides of which do not abut a street.

LOT LINE — The line or boundary of a lot dividing it from another lot or from a street.

LOT, THROUGH — An interior lot having frontage on two (2) parallel or approximately parallel streets. The through lots shall have one (1) front yard and one (1) rear yard; the area of frontage providing primary access to the lot shall be designated as the front yard. **[Amended 4-15-2002 by Ord. No. 126]**

LOT WIDTH — The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, in the case where one (1) side lot line is not parallel to the other side lot line, or of pie-shaped lots, the required lot width shall be measured at a point equal to fifty percent (50%) of the depth of the lot.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME PARKS AND SUBDIVISIONS — A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME SITE — An area within a mobile home park or mobile home subdivision designated to contain one (1) mobile home and the necessary utility connections and appurtenances.

MODULAR HOME — A sectional, single-family dwelling, intended for permanent occupancy, contained in two (2) or more units designed to be joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of this chapter, modular homes shall be regulated as conventional single-family dwellings which are constructed on the site.

MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for occupancy, primarily for travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms, but shall not be construed to include mobile homes or recreational vehicles.

NONCONFORMING BUILDING — See "nonconforming structure."

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption or amendment of these zoning provisions but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. **[Amended 11-12-1991 by Ord. No. 86]**

NONCONFORMING SIGN — A sign whose size, dimension or location was lawful prior to the adoption or amendment of these zoning provisions but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. **[Amended 11-12-1991 by Ord. No. 86]**

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use provisions of these zoning provisions, or amendment to these zoning provisions heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs. **[Amended 11-12-1991 by Ord. No. 86]**

NONCONFORMING USE — A use of land, building or structure, which does not comply with the applicable use provisions of this chapter or amendments thereto, where such use was lawfully in existence at the time of the enactment of this chapter or amendments or prior to the application of this chapter or amendments by reason of annexation.

NURSERY (HORTICULTURE) — Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants, including the buildings, structures and equipment customarily incidental and accessory to the principal use.

NURSERY (SCHOOL) — A place where children are educated and/or temporarily cared for.

NURSING HOME — A place with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire. Other housing styles which are administrated by and subordinate to the primary purpose of the nursing home may also be permitted.

OFFICE, PROFESSIONAL — A building containing office space for one (1) or more persons engaged in occupations or callings which require extensive learning and academic preparation to secure knowledge or skill in a profession such as medicine, law, divinity or science, wherein professional advice, guidance or instruction is provided. Occupations or vocations which are trades, crafts or businesses and often involve the sale of a product shall not be considered professional offices.

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 — An area open or within a building, accessible from a street or alley, for parking of motor vehicles for owners, occupants, employees, customers or tenants of the principal building or use. One (1) space shall equal one hundred sixty-two (162) square feet.

[Amended 6-20-2011 by Ord. No. 161]

PENNSYLVANIA MUNICIPALITIES PLANNING CODE — ³ This enabling legislation provides the mechanism whereby municipalities can plan for community development through the adoption of a comprehensive plan and zoning ordinance and the establishment of planning commissions, planning departments and zoning hearing boards. The code authorizes the above bodies to request appropriations, charge fees, make inspections, hold public hearings, make legal appeals and process penalties for violations. For the purposes of this chapter, the Planning Code is intended to include the current law and future amendments and shall be referred to hereinafter as the "Planning Code" or the "Act."

PERMIT — A building and zoning permit issued by the Zoning Administrator.

PET, HOUSEHOLD — An animal, bird or insect that is kept for pleasure rather than utility and which may be kept inside or outside a dwelling.

PET KENNEL — An enclosure or area located outside a dwelling, which is designed for keeping more than three (3) birds or animals; however, this does not include zoos or menageries if permitted as a principal use.

PET, NONHOUSEHOLD — A domesticated animal that is kept for pleasure and is kept outside of a dwelling and may be in any district, provided that the lot area has a minimum of three (3) acres. This definition does not include male chickens (roosters). **[Amended 9-19-2016 by Ord. No. 180]**

PET, NOVELTY — An animal, bird or insect that is kept for pleasure that is not a customary household pet, nor of a domesticated variety, provided that it is not otherwise prohibited by law and is kept inside a dwelling.

PLANNING COMMISSION — The North Londonderry Township Planning Commission.

POULTRY — See "livestock."

3. Editor's Note: See 53 P.S. § 10101 et seq.

PREMISES — A lot, parcel or tract of land and any structures thereon.

PRINCIPAL USE — The main purpose for which land or a building is designed, arranged or intended, or for which it may be occupied or maintained.

PRIVATE ROAD — An access road other than a municipally owned road.

PUBLIC NOTICE — Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC SEWER — The municipally owned and operated sewage collection system.

PUBLIC WATER — The system of water distribution and sales operated by license and authority of the Pennsylvania Public Utility Commission.

RECREATIONAL EQUIPMENT — All devices manufactured or designed to be used for personal recreation, including recreational vehicles, boats, trailers, items designed to be mounted on motor vehicles, or cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

RECREATIONAL VEHICLE — A vehicular portable structure, self-propelled or towed, built on a chassis (motorized home, converted bus, tent trailer or similar device), which is designed to be used as a temporary dwelling for travel and recreational purposes and which may have a self-contained water supply and sewage holding capacity.

RESTAURANT, DRIVE-IN — A commercial establishment where food or beverage is sold for consumption on the premises, either in a customer's vehicle or in an outside area, but not within a building.

RESTAURANT, DRIVE-THROUGH — An accessory use to a commercial restaurant where the customer receives food or beverage via a drive-up window without the need for the customer to leave his vehicle.

RESTAURANT, FAST-FOOD — A commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "take-out" service. Food preparation is designed for immediate service to customers, is often prepared in advance and does not have service to the customer's table.

RIGHT-OF-WAY LINE — See "street line."

ROAD — See "street."

ROOMING HOUSE — See "boardinghouse."

ROW HOUSE — See "townhouse."

SETBACK — The horizontal distance from a lot line to the part of the building nearest to such a lot line. (See also "yard.")

SHOPPING CENTER — A group of stores, two (2) or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit.

SIGN — Includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol or trademark); or any other device or similar character which satisfies any of the following: is a structure or any part thereof, or is attached to, painted on or in any other manner represented on a building or other structure; is used to announce, direct attention to or advertise; or is visible from outside a building.

- A. FREESTANDING SIGN — An independently supported sign which is not attached to any building or structure.
- B. WALL SIGN — A sign which is erected or displayed on or parallel to the surface of a building and does not project more than twelve (12) inches therefrom. Signs with greater than twelve-inch projections are regulated as projecting signs.
- C. PROJECTING SIGN — A sign erected or displayed which is attached to the wall of a building and projects in a perpendicular fashion from said wall. Wall signs of which any part projects more than twelve (12) inches shall be treated as projecting signs.
- D. ROOF SIGN — A sign erected or displayed on a rooftop.

SIGN, ADVERTISING — Any sign which is owned and operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises where it is located, including billboards.

SIGN AREA — The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

SIGN, DOUBLE-FACED — A sign consisting of two (2) display areas placed back-to-back or joined along a common edge and treated as having one (1) sign area. If the display areas are joined along a common edge and the interior angle is greater than forty-five degrees (45°), the structure shall be treated as having two (2) sign areas.

SITE PLAN — A plan of a lot or subdivision on which is shown topography; the location of all buildings, roads, rights-of-way and boundaries; all essential dimensions and bearings; and any other information deemed necessary by the Township in unusual or special cases.

SOLAR FARM — A solar application(s) installed on land for the sale of solar energy for the purpose of commercial gain by the landowner or tenant of the subject parcel. **[Added 12-20-2021 by Ord. No. 198]**

SPECIAL EXCEPTION — A procedure of approval vested with the Zoning Hearing Board prior to the issuance of a permit and conducted in accordance with requirements of the Act⁴ and this chapter. It is applied as directed throughout this chapter.

STORY — A story is that part of a building between the surface of any floor and the next floor above it, or, in its absence, the finished ceiling or roof above it. A split-level shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story, and, if less than two (2) feet below the top plate, shall be counted as a half story.

STREET — A public thoroughfare or right-of-way, dedicated for public use, accepted and maintained by the Township or state, which affords primary vehicular access to abutting properties.

STREET LINE — The line determining the limit of the street or public right-of-way, either existing or proposed, also referred to as the street lot line or road right-of-way line. The street line shall be determined as a line twenty-five (25) feet from the center line of the existing street where a definite right-of-way has not been established, or where it is less than twenty-five (25) feet from the center, for purposes of administration of this chapter.

STRUCTURE — Any man-made object having an ascertainable stationary location, on or in land or water, whether or not affixed to the land.

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

TOWNHOUSE — A single-family dwelling located on an independent lot and constructed as a part of a series of three (3) or more connected single-family dwellings and as one (1) dwelling from ground to roof. Townhouses are typically two (2) stories high, and units are considered attached dwellings, except for the end units of a building series. Townhouses are generally owner-occupied and provide residents with individual yards, parking and utility access. Common areas and facilities, including parking areas, may be designed for use by all residents of the townhouse development.

TRAVEL TRAILER — See "recreational vehicle."

VARIANCE — A modification of the regulations of this chapter granted by the Zoning Hearing Board to a petitioner pursuant to the provisions of this chapter and the Act.⁵

4. Editor's Note: See 53 P.S. § 10101 et seq.

5. Editor's Note: See 53 P.S. § 10101 et seq.

YARD — An open space, other than a court, unoccupied by a structure. Fences, walls, posts, trees, lawn furniture and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT — An unoccupied space, open to the sky, between the front property line (street line) and the nearest building line of the principal building.

YARD, REAR — An unoccupied space, open to the sky, between the rear property line and the nearest building line of the principal building.

YARD, REQUIRED FRONT — An unoccupied space, open to the sky, between the front property line (street line) and the building line at such distance therefrom as may be specified herein for each district, and extending the full width of the lot.

YARD, REQUIRED REAR — An unoccupied space, open to the sky, between the rear property line and the building line at such distance therefrom as may be specified herein for each district, and extending the full width of the lot.

YARD, REQUIRED SIDE — An unoccupied space, open to the sky, between the side property line and the building line at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

YARD, SIDE — An unoccupied space, open to the sky, between the side property line and the nearest building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.

ZONING ADMINISTRATOR — The agent(s) or official(s) designated by the Township Supervisors to enforce this chapter.

ARTICLE III

Zoning Map

§ 150-6. Official Zoning Map adopted.

- A. The Township is hereby divided into zones or districts as shown on the Official Zoning Map⁶ which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary and bearing the Seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 2, Section 2.01, of Ordinance Number 79 of the Township of North Londonderry, Lebanon County, Pennsylvania,"⁷ together with the date of the adoption of this chapter.

6. Editor's Note: The Official Zoning Map is on file and available for inspection in the Township offices.

7. Editor's Note: See now Art. III, § 150-6, of this chapter.

- C. If, in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code,⁸ changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map. The entry shall contain at least the following: the ordinance number, date of enactment, effective date (if different) and some reference by symbol or number to the location on the map where the change is made, which entry shall be signed by the Chairman of the Board of Supervisors and attested by the Township Secretary. Any amendment to this chapter which involves matter portrayed on the Official Zoning Map enacted to become immediately effective shall not be effective until after such change and entry has been made on said map. Any amendment enacted to be effective at a certain later date shall not be effective on that date unless the entry is made as prescribed above.
- D. No changes of any nature shall be made on the Official Zoning Map or to matter shown thereon except in conformity with the amending procedures set forth in this chapter and the Pennsylvania Municipalities Planning Code.
- E. The Official Zoning Map, which shall be located in the office of the Township Supervisors, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

§ 150-7. Replacement of Official Zoning Map.

- A. In the event that the Official Zoning Map⁹ becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary and bearing the Seal of the Township under the following words: "This is to certify that this is the Official Zoning Map, adopted _____ as part of Ordinance No. _____ of the Township of North Londonderry, Lebanon County, Pennsylvania."
- B. Unless the prior Official Zoning Map¹⁰ has been lost or has been totally destroyed, the prior map or any significant parts remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

8. Editor's Note: See 53 P.S. § 10101 et seq.

9. Editor's Note: The Official Zoning Map is on file and available for inspection in the Township offices.

10. Editor's Note: The Official Zoning Map is on file and available for inspection in the Township offices.

ARTICLE IV

Interpretation of District Boundaries**§ 150-8. Rules for interpretation.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map,¹¹ the following rules shall apply:

- A. Boundaries indicated as approximately following the center line of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
- D. Boundaries indicated as following railroad tracks shall be construed to be midway between the tracks.
- E. Boundaries indicated as parallel to, or extensions of, features indicated in Subsections A through D above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by Subsections A through E above, the Zoning Hearing Board shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was a lot of record at the time of passage of this chapter, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line but not beyond the lot line.

ARTICLE V

General District Regulations**§ 150-9. Application of regulations.**

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly, except as hereinafter provided.

§ 150-10. Compliance required.

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be altered, erected, constructed, reconstructed, maintained, moved, removed, added to or structurally altered except in conformity with all regulations herein specified for the district in which it is located.

11. Editor's Note: The Official Zoning Map is on file and available for inspection in the Township offices.

§ 150-11. Unlawful acts.

No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.

§ 150-12. Required yards and spaces.

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

§ 150-13. Yards and lots.

No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements within their respective zoning districts established by this chapter.

§ 150-14. Determination of permitted uses.

When a specific use is neither permitted nor prohibited in a schedule of district regulations, the Zoning Hearing Board shall be empowered to determine whether the use in question shall be a permitted use in that district, basing the decision on the intent for the district compared with the other districts.

§ 150-15. Annexed territory.

All territory which may hereafter be annexed to the Township shall be considered to be in the R-1 Residential District until otherwise classified.

ARTICLE VI**Use Districts****§ 150-16. Districts enumerated.**

For the purpose of regulating and restricting the location of trades, industries, multiple-family dwellings, single-family houses and other uses of property, the number of square feet of lot area per dwelling unit, the width of lots, the location and size of yards and the size and height of buildings, the Township is divided into classes of use districts termed respectively:

Class R-1	Low-Density Residential Districts
Class R-2	Medium-Density Residential Districts
Class R-3	High-Density Residential Districts

Class R-R	Retirement Residential Districts [Added 2-9-1993 by Ord. No. 93]
Class C-1	Neighborhood Commercial Districts
Class C-2	Highway Commercial Districts
Class I-1	Industrial Districts
Class F-1, F-2, F-3 and F-4 ¹²	Floodplain Districts [Amended 9-21-1999 by Ord. No. 118]

ARTICLE VII

R-1 Low-Density Residential Districts

§ 150-17. Intent.

The regulations of the R-1 Residential Districts are designed to encourage the continued use of agricultural land in harmony with low-density residential development using on-site water sources and sewage disposal. Additional uses are permitted which are deemed compatible with those named above.

§ 150-18. Permitted uses.

Permitted uses shall be as follows:

- A. Agriculture, including nurseries and noncommercial green houses.
- B. Nonintensive animal husbandry, including pasturing, apiaries, hatcheries or similar nonintensive uses, provided that:
 - (1) Buildings in which livestock are kept shall be no closer than fifty (50) feet to lot lines or street right-of-way lines.
 - (2) Storage of manure or other odor- or dust-producing substances shall be no closer than fifty (50) feet to lot lines or right-of-way lines.
- C. Intensive animal husbandry, provided that:
 - (1) Buildings in which livestock are kept shall be no closer than one hundred (100) feet to lot lines or street right-of-way lines.
 - (2) Storage of manure or other odor- or dust-producing substances shall be no closer than one hundred (100) feet to lot lines or street right-of-way lines.
- D. Single-family detached dwellings.
 - (1) Erection of a second dwelling on a lot, provided that: **[Added 6-26-2006 by Ord. No. 140]**

12. Editor's Note: See now Article XIV, Floodplain District.

- (a) The minimum lot area is five (5) contiguous acres.
 - (b) All yard requirements and other zoning requirements of this chapter can be met for each dwelling.
 - (c) All requirements of the Lebanon County Subdivision and Land Development Ordinance can be met for each dwelling as if each were on an individual lot.
 - (d) It can be demonstrated that the second dwelling will have minimal adverse or detrimental effects on the existing neighborhood.
- E. Churches and similar places of worship and associated parish houses and cemeteries, provided that, in addition to other requirements of this chapter:
 - (1) The minimum lot width is two hundred (200) feet.
 - (2) The minimum yard size for buildings is fifty (50) feet for each yard.
 - (3) Parking is arranged off-street at one (1) space for each three (3) seats in the principal assembly room, and a minimum of 2/3 of the required spaces are graded, paved and striped. The remaining spaces may be gravel, lawn or other suitable surface, available for overflow parking.
- F. Publicly owned kindergarten, elementary, middle and high schools.
- G. Customary accessory uses and structures incidental to any of the above permitted uses, including the following:
 - (1) Roadside stands in seasonal operation for the sale of products grown or raised on the same premises. The stand shall be no closer than twenty (20) feet to the edge of a cartway and have signs not larger than fifteen (15) square feet.
 - (2) Home occupations as regulated and defined by this chapter.
- H. Golf courses. **[Added 2-9-1993 by Ord. No. 93]**
- I. Offices of licensed Pennsylvania health-care professionals, provided that, in addition to other requirements of this chapter: **[Added 4-12-1994 by Ord. No. 103]**
 - (1) No more than eight (8) principals are practicing on the premises and no more than 25 support personnel are employed.
 - (2) The minimum lot area shall be five (5) acres.
 - (3) The minimum lot width shall be three hundred (300) feet.
 - (4) The minimum front yard setback for buildings (accessory buildings included) shall be seventy-five (75) feet.
 - (5) The minimum front setback for parking areas shall be seventy-five (75) feet.
 - (6) The minimum side yard setback for buildings (accessory buildings included) shall be seventy-five (75) feet.

- (7) The minimum side setback for parking areas shall be fifty (50) feet.
- (8) The minimum rear yard setback for buildings (accessory buildings included) and parking areas shall be fifty (50) feet.
- (9) One sign may be permitted, not to exceed thirty two (32) square feet in area for each side and to be located no closer to a side property line than seventy-five (75) feet and no closer to a road right-of-way than ten (10) feet. A lighted sign shall be illuminated without objectionable glare.

§ 150-19. Special exception uses.

The following uses are permitted upon approval by the Zoning Hearing Board, provided that the conditions listed hereunder and the general conditions of Article XXII are met:

- A. Membership clubs or lodges organized for the benefit of their members and for no business or commercial activity.
- B. Offices of licensed Pennsylvania health professionals, provided that:
 - (1) The architecture is compatible with nearby buildings in the district.
 - (2) No more than three (3) principals are practicing on the premises and no more than six (6) support personnel are employed.
- C. Sawmills and other establishments associated with forestry.
- D. Riding academies, commercial stables, pet kennels, and animal hospitals. **[Amended 9-19-2016 by Ord. No. 180]**
- E. Private or parochial schools and institutions of higher education.
- F. Travel trailer campgrounds.
- G. Group care facilities.

§ 150-20. Lot and yard requirements.

- A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements that follow, unless otherwise specified heretofore in this article, shall be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district. **[Amended 11-12-1991 by Ord. No. 86; 9-10-1996 by Ord. No. 111]**

District Requirements						
	Lot Requirements			Yard Requirements		
Use	Minimum Lot Areas (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)
Any unit	1	150	25%	50	15	25
Single-family detached						
No public utilities	1	150	25%	50	15	25
With public utilities	1	150	25%	50	15	25

- B. No building or structure shall exceed thirty-five (35) feet in height unless exempted by this chapter.

§ 150-21. Off-street parking.

Off-street parking shall be provided in accordance with Article XVII of this chapter.

§ 150-22. Signs.

Signs may be permitted in accordance with Article XVIII of this chapter.

§ 150-23. Supplementary district regulations.

The supplementary district regulations in Article XV shall apply, where applicable, as additional requirements for this district.

§ 150-24. Environmental and energy requirements.

The environmental and energy requirements in Article XVI shall apply, where applicable, as additional requirements for this district.

ARTICLE VIII

R-2 Medium-Density Residential Districts

§ 150-25. Intent.

The R-2 Residential District regulations are intended to encourage the development of single-family dwellings in areas that are presently served or are ultimately to be served by public water and sewer. Inasmuch as there are lands in these areas that are currently being used for

agricultural purposes, it is further the intent of these regulations to allow those operations to continue and to expand as market conditions warrant. Other uses are encouraged which are compatible with and can serve certain needs of residential development.

§ 150-26. Permitted uses. [Amended 2-14-1995 by Ord. No. 105; 12-19-2005 by Ord. No. 138; 9-19-2016 by Ord. No. 180; 11-19-2018 by Ord. No. 184; 12-16-2019 by Ord. No. 192; 7-15-2024 by Ord. No. 200]

Permitted uses shall be as follows:

- A. Single-family detached dwellings.
- B. Single-family semidetached dwellings.
- C. Agriculture, as defined by this chapter, including nurseries and noncommercial greenhouses.
- D. Municipally owned nursery, kindergarten, elementary, middle and high schools.
- E. Community service facilities, such as museums, libraries, etc.
- F. Churches and associated parish houses and cemeteries.
- G. Accessory uses and structures incidental to and on the same lot with any of the above permitted uses as provided for in the supplementary district regulations.
- H. Home occupations as regulated and defined by this chapter.
- I. Offices of licensed Pennsylvania health-care professionals, provided that, in addition to other requirements of this chapter:
 - (1) The minimum lot area shall be five (5) acres.
 - (2) The minimum lot width shall be three hundred (300) feet.
 - (3) The minimum front yard setback for buildings (accessory buildings included) shall be seventy-five (75) feet.
 - (4) The minimum front setback for parking areas shall be seventy-five (75) feet.
 - (5) The minimum side yard setback for buildings (accessory buildings included) shall be seventy-five (75) feet.
 - (6) The minimum side setback for parking areas shall be fifty (50) feet.
 - (7) The minimum rear yard setback for buildings (accessory buildings included) and parking areas shall be fifty (50) feet.
 - (8) No more than sixteen (16) principals are practicing on the premises, and no more than fifty (50) support personnel are employed.
 - (9) One sign may be permitted, not to exceed thirty-two (32) square feet in area for each side and to be located no closer to a side property line than seventy-five (75) feet and no closer to a road right-of-way than ten (10) feet. A lighted sign shall be illuminated without objectionable glare.

J. Golf courses.

K. Active adult residential community, provided that, in addition to other requirements of this chapter:

- (1) Minimum tract size shall be fifty (50) contiguous acres, controlled by a single entity at the time of subdivision and land development plan submissions.
- (2) Single-family detached dwellings, single-family semidetached dwellings, and single-family triplex units will be permitted.
- (3) A minimum of sixty percent (60%) of the units shall be single-family detached dwellings.
- (4) The active adult residential community shall be organized as and operated under the regulations of the Pennsylvania Planned Community Act.¹³
- (5) The active adult residential community shall require the homeowners' association to maintain commonly owned areas, private streets, and all other common facilities. All residents of the development shall be required to pay the necessary fees to the homeowners' association, with a property enforcement mechanism as provided by the Pennsylvania Planned Community Act.
- (6) Internal streets and alleys shall be privately owned and maintained by the homeowners' association.
- (7) Excluding parcels owned by the homeowners' association, each parcel shall be owned in fee simple.
- (8) The entire active adult community shall be served by public water and sewer.
- (9) Private residential swimming pools shall be prohibited.
- (10) The maximum density shall be five (5) units per gross acre. Areas occupied by recreational uses and buildings for residents, proposed internal streets and easements, and stormwater management facilities shall not be deleted from the total tract area for the purpose of determining maximum density.
- (11) Each dwelling unit shall have a minimum setback of ten (10) feet from the edge of the cartway of any private street. Five-foot side and fifteen-foot rear yard setbacks shall be maintained. The following minimum separation distances between building walls shall be thirty (30) feet between the rear and side of buildings. There shall be a minimum setback of twenty-five (25) feet around the perimeter of the active adult community development.
- (12) Each dwelling unit in the active adult community shall be limited by deed restriction, by condition of subdivision and land development approval, and shall be expressly intended for "older persons" as defined in the Federal Fair Housing Act as amended¹⁴ in regulations promulgated (or to be promulgated) thereunder. Each dwelling unit shall be occupied by at least one (1) person age fifty-five (55)

13. Editor's Note: See 68 Pa.C.S.A. § 5101 et seq.

14. Editor's Note: See 42 U.S.C. § 3601 et seq.

years or older, while occupancy by anyone under the age of nineteen (19) is prohibited.

- (13) A common recreational area shall be improved by the developer with private recreation facilities for the residents of the development and their occasional invited guests. At a minimum, this recreational area shall include an indoor community center, an outdoor swimming pool, and an accessory outdoor recreation area for facilities normally used for games by seniors. The community center shall include a minimum of twenty (20) square feet of interior building space per dwelling unit.
- (14) The community center shall, at a minimum, include the following: indoor exercise/fitness facilities, multipurpose room, kitchen, rest rooms and areas for crafts and other similar activities. The preliminary subdivision/land development plans shall include a detailed description of the types and locations of the proposed recreational facilities.
- (15) The recreation facilities, including the community center, shall be owned and maintained by the homeowners' association and shall not be dedicated to the Township.
- (16) The community center shall be completed by such time that twenty-five percent (25%) of the units are occupied.
- (17) Driveways from all dwellings, garages, recreational facilities, and interior parking lots shall enter onto an internal street, alley or parking court system within the development.
- (18) Maximum building height shall be 2.5 stories or thirty-five (35) feet, whichever is more restrictive.
- (19) A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit.
- (20) Minimum parking for the community center shall be one (1) space for each three hundred (300) square feet of floor space in the community center building.
- (21) The following lot requirements shall apply:
 - (a) Single-family detached dwellings.
 - [1] Minimum lot area: 5,750 square feet.
 - [2] Minimum lot width: 45 feet.
 - [3] Maximum lot coverage: 60%.
 - (b) Single-family semidetached dwellings.
 - [1] Minimum lot area: 4,000 square feet per unit.
 - [2] Minimum lot width: 40 feet.
 - [3] Maximum lot coverage: 70%.

(c) Single-family semidetached triplex dwelling units.

[1] Minimum lot area: 3,000 square feet per unit.

[2] Minimum lot width: 20 feet.

[3] Maximum lot coverage: 70%.

L. Nonintensive, noncommercial animal husbandry, including pasturing, apiaries and other similar nonintensive uses, provided that:

(1) The minimum lot size shall be three and zero-tenths (3.0) acres.

(2) Buildings in which livestock are kept shall be no closer than one hundred (100) feet to a lot line or street right-of-way line.

(3) Storage of manure or other odor- or dust-producing substances shall be no closer than one hundred (100) feet to any lot line or street right-of-way line.

§ 150-27. Special exception uses.

The following uses are permitted upon approval by the Zoning Hearing Board, provided that the conditions listed hereunder and the general conditions of Article XXII are met:

- A. Membership clubs or lodges organized for the benefit of their members and for no business or commercial activity.
- B. Offices of licensed Pennsylvania health professionals, provided that:
 - (1) The architecture is compatible with nearby buildings in the district.
 - (2) No more than three (3) principals are practicing on the premises, and no more than six (6) support personnel are employed.
- C. Private or parochial schools and institutions of higher education.
- D. Group care facilities.
- E. Travel trailer parks.

§ 150-28. Lot and yard requirements.

- A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in this article, shall be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district. **[Amended 7-14-1992 by Ord. No. 92; 9-10-1996 by Ord. No. 111]**

Use	District Requirements			Yard Requirements		
	Lot Requirements		Maximum Lot Coverage (percent)			
	Minimum Lot Area	Minimum Lot Width (feet)		Front (feet)	Side (feet)	Rear (feet)
Any unit	1 acre	150	25%	30	12	25
Single-family detached dwelling						
No public utilities	1 acre	150	25%	30	12	25
Public water or sewer	20,000 square feet	100	30%	30	12	25
Public water and sewer	12,000 square feet	90	35%	30	12	25
Single-family semidetached						

District Requirements						
Use	Lot Requirements			Yard Requirements		
	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)
Public water and sewer	9,000 square feet (per unit)	50	35%	30	12	25

- B. No building or structure shall exceed thirty-five (35) feet in height unless exempted by this chapter.

§ 150-29. Off-street parking.

Off-street parking shall be provided in accordance with Article XVII of this chapter.

§ 150-30. Signs.

Signs may be permitted in accordance with Article XVIII of this chapter.

§ 150-31. Supplementary district regulations.

The supplementary district regulations in Article XV shall apply, where applicable, as additional requirements for this district.

§ 150-32. Environmental and energy requirements.

The environmental and energy requirements in Article XVI shall apply, where applicable, as additional requirements for this district.

ARTICLE IX

R-3 High-Density Residential Districts

§ 150-33. Intent.

The R-3 Residential District regulations are designed to allow for and encourage the development of higher-density varieties of residential living in an orderly fashion. Certain additional uses that are compatible with R-3 development and may be beneficial to the residents are included in the list of permitted uses. These uses are either to be found in the R-2 Residential District regulations, all uses from which are deemed to be appropriate in the R-3 Districts, or are determined to be uniquely suited to the higher densities of the R-3 Districts.

§ 150-34. Permitted uses.

Permitted uses shall be as follows:

- A. All permitted uses of the R-2 Districts.
- B. Single-family semidetached, two-family detached and two-family semidetached dwellings in accordance with lot sizes listed in this article.
- C. Townhouses, provided that the following requirements are met:
 - (1) The minimum lot area shall be three thousand (3,000) square feet per dwelling unit.
 - (2) The maximum density shall not exceed ten (10) dwelling units per gross acre.
 - (3) The minimum lot width shall be twenty (20) feet.
 - (4) A minimum front and rear yard of twenty-five (25) feet each shall be provided from each respective property line or paved parking area.
 - (5) A minimum side yard of fifteen (15) feet shall be provided from each detached side of buildings; however, a minimum of twenty-five (25) feet shall be provided from the side of a building to a paved parking area. A minimum distance of thirty (30) feet shall be provided between each group of townhouses.
 - (6) No group of townhouses shall consist of more than eight (8) attached dwelling units, with no more than three (3) contiguous dwellings at the same front setback, each variation being at least four (4) feet. Developers are encouraged to use variety in design and construction to enhance appearance.
 - (7) No accessory buildings or structures shall be permitted except garages.
 - (8) All other requirements of this article for townhouses shall be observed.
 - (9) The development shall be served by public water and public sewer with provision for individual service connections where lots are to be sold.
 - (10) Off-street parking shall be not farther than one hundred fifty (150) feet from the dwelling to be served.¹⁵
- D. Garden apartments, provided that the following conditions are met:
 - (1) The maximum development density shall not exceed twelve (12) dwelling units per acre.
 - (2) A minimum site size of twenty-four thousand (24,000) square feet shall be provided for garden apartment development.
 - (3) Garden apartment buildings shall contain at least four (4) but not more than twenty-four (24) dwelling units in a single structure. **[Amended 12-17-2018 by Ord. No. 186]**

15. Editor's Note: Original Section 8.02, Subsection C11, which required approval under the subdivision regulations and immediately followed this subsection, was repealed 11-12-1991 by Ord. No. 86.

- (4) A minimum setback of twenty (20) feet shall be provided from a street right-of-way, driveway or paved parking area. Additionally, the building setback line shall be a minimum distance of thirty (30) feet from a front, side or rear property line. **[Amended 12-17-2018 by Ord. No. 186]**
 - (5) A minimum isolation distance of fifty (50) feet shall be provided between garden apartment buildings.
 - (6) The site shall be served by public water and public sewer.
 - (7) If provided, balconies shall not extend more than eight (8) feet from the face of any principal building, and the minimum floor area of a balcony shall be seventy-two (72) square feet.
 - (8) If patios are provided at ground level, they shall be designed for visual privacy and shall be a minimum of one hundred fifty (150) square feet.
 - (9) Garden apartment development shall be in compliance with § 150-37 of this chapter.
 - (10) Off-street parking, as required by separate article of this chapter, shall be located within one hundred fifty (150) feet of the dwelling unit to be served. Furthermore, parking facilities and driveways shall be located no less than twenty-five (25) feet from a street right-of-way and ten (10) feet from all other property lines.
 - (11) Garden apartment development requires the submission of a land development plan. **[Amended 11-12-1991 by Ord. No. 86]**
 - (12) No building or structure may exceed fifty (50) feet in height unless exempted by this chapter. **[Added 12-17-2018 by Ord. No. 186]**
- E. Public parks and public playgrounds.
- F. Accessory uses and buildings incidental to any of the above permitted uses as provided for in the supplementary district regulations of this chapter.
- G. Home occupations as regulated in Article XV of this chapter.

§ 150-35. Special exception uses. [Amended 11-12-1991 by Ord. No. 86]

The following uses are permitted upon approval by the Zoning Hearing Board, provided that the conditions listed hereunder and the general conditions of Article XXII are met.

- A. All special exception uses as listed in the R-2 Districts.
- B. Mobile home parks and subdivisions, subject to the following regulations:
- (1) Scope. Mobile home parks and subdivisions hereafter established in the R-2 District and expansions and alterations to existing mobile home parks and subdivisions, regardless of the district, are subject to applicable regulations of this section.

- (2) Use of terms. A development subject to these regulations shall be known as a park unless specified differently in the text.
- (3) Park size. Parks hereafter designed shall be at least ten (10) acres. The park shall not be divided by any public street or alley but may contact any street or alley. Hereinafter, a street or alley so contacted shall be known as a perimeter street or alley.
- (4) Density. Each park shall have a maximum density of eight (8) mobile homes per gross acre, and no individual mobile home lot in a mobile home subdivision shall be less than two thousand five hundred (2,500) square feet.
- (5) Yard requirements, mobile homes. No mobile home shall be located at less than the following:
 - (a) Fifty (50) feet from a perimeter street line or perimeter lot line.
 - (b) Twenty (20) feet from the edge of a park street.
 - (c) Twenty (20) feet from other mobile homes.
 - (d) Ten (10) feet from interior lot lines or alleys.
- (6) Yard requirements, all other buildings. No service building or accessory building for park residents' general use shall be located at less than the following:
 - (a) Fifty (50) feet from a perimeter street line.
 - (b) Fifty (50) feet from a perimeter lot line.
 - (c) Forty (40) feet from any mobile home.
- (7) Park street. A street installed exclusively for park residents' use shall have a durable surface capable of supporting residential traffic and shall conform to the following regulations:
 - (a) A park street shall be at least twelve (12) feet wide for one-way and at least twenty-four (24) feet wide for two-way traffic when all parking is provided off-street. The traffic pattern in the park shall allow for efficient access to all points.
 - (b) Each mobile home site shall be accessible from a park street; however, designated parking for a site may be provided off the site as provided herein.
 - (c) Each park shall be provided with at least two (2) points of ingress and egress for vehicular traffic from public streets.
 - (d) No more than two (2) park streets shall intersect at any one (1) point.
 - (e) Park streets designated to provide parking for sites shall be widened by eight (8) feet on each side that is to be used for parking.
- (8) Walkways. A walkway with a paved surface shall be installed as follows:

- (a) Between each mobile home stand, as described herein, and a park street.
 - (b) Between mobile home sites and common parking areas where the site parking is designated.
- (9) Off-street parking.
- (a) Each mobile home site shall be provided with two (2) parking spaces.
 - (b) Parking spaces for a site shall be adjacent to each other.
 - (c) Parking spaces which are provided in a common parking lot shall be appropriately marked for a specific site and shall be no farther than one hundred fifty (150) feet from the site to be served.
 - (d) Parking spaces shall be accessible from a park street only.
- (10) Utility services.
- (a) Each mobile home site shall be served by either a public water system or a private, Department of Environmental Resources approved community water system which supplies water at a pressure comparable to the public system.
 - (b) Each mobile home site shall be served by a connection to the North Londonderry Township sewage collection system.
 - (c) All transmission lines in the park for the distribution of electricity, telephone service, television reception or others shall be buried.
- (11) Common open space areas.
- (a) The park shall be provided with common open space areas not less than ten percent (10%) of the gross park area, which are for the enjoyment of all park residents. The areas may include, but are not limited to, such facilities as service buildings for meeting rooms, laundromats, storage cubicles for residents, either individually or collectively, playgrounds, swimming pools, fields and courts for various team sports and landscaped areas for passive recreation.
 - (b) The park shall have at least half its common open space at one (1) continuous location, and not more than half of its common open space may be in its buffer yard.
 - (c) No interior play area for children shall be less than one thousand (1,000) square feet.
 - (d) The open space areas may contain a wide variety of facilities at the discretion of the owner; however, it is the intent of this chapter that all parks contain well-maintained improvements for recreation for all ages.
- (12) Mobile home site improvements.

- (a) Each mobile home site shall be provided with a patio area adjacent to the mobile home. The patio shall be at least two hundred (200) square feet in area.
- (b) The patio shall have a durable surface such as concrete or wood.
- (c) Each mobile home shall be provided with a skirting of durable material to enclose the area beneath the unit. **[Amended 2-21-2023 by Ord. No. 199]**
- (d) Each mobile home shall be provided with a skirting of durable material to enclose the area beneath the unit.

§ 150-36. Lot and yard requirements.

- A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in this article, shall be provided for every dwelling unit or principal nonresidential building or use hereafter erected, altered or established in this district. **[Amended 7-14-1992 by Ord. No. 92; 9-10-1996 by Ord. No. 111]**

Use	District Requirements				
	Lot Requirements		Yard Requirements		
	Minimum Lot Area	Minimum Lot Width (feet)	Front (feet)	Side (feet)	Rear (feet)
Nonresidential building	3 acres	250	100	20	75
Residential					
Single-family detached (no public utilities)	1 acre	125	30	15	30
Single-family detached (public water or sewer)	12,000 square feet	90	30	10	25
Residential (public water and sewer)					
Single-family detached	7,500 square feet	75	30	10	25
Single-family semidetached	6,500 square feet	50	30	10*	25
2-family detached	4,000 square feet	50	30	10	20
2-family semidetached	3,000 square feet	45	30	10*	20
Townhouse	(Refer to § 150-34)				
Garden apartment	(Refer to § 150-34)				

NOTES:

* Yard requirements apply to the unattached sides of the buildings.

- B. No building or structure may exceed thirty-five (35) feet in height unless exempted by this chapter.

Lot Coverage Requirements

Use	Maximum Lot Coverage (percent)
Nonresidential building	30%
Residential building	40%

§ 150-37. Townhouses and garden apartments.

The following criteria are to be applied as performance standards by the reviewing body as additional requirements for townhouse and garden apartment development.

- A. The developer shall vary architectural treatments between apartment buildings or between individual townhouses, as the case may be. Such variations may include, but are not limited to, building elevation, setbacks, presence of balconies, roof pitch, outside materials and use of color.
- B. Variety in the arrangement of buildings, parking areas, recreation areas, common open space and landscaping is required.
- C. Natural plantings as buffers between high-density developments and nonresidential uses is required.
- D. Underground placement of utility lines is required of all high-density residential developments.

- E. All common open space areas, patios, courts and buffer yards shall be maintained to ensure safety, privacy and comfort of residents.
- F. Collection areas for refuse shall be appropriately screened from view and secured in verminproof containers.

§ 150-38. Off-street parking.

Off-street parking shall be provided in accordance with Article XVII of this chapter.

§ 150-39. Signs.

Signs may be permitted in accordance with Article XVIII of this chapter.

§ 150-40. Supplementary district regulations.

The supplementary district regulations in Article XV shall apply, where applicable, as additional requirements for this district.

§ 150-41. Environmental and energy requirements.

The environmental and energy requirements in Article XVI shall apply, where applicable, as additional requirements for this district.

ARTICLE X

R-R Retirement Residential District
[Added 2-9-1993 by Ord. No. 93]

§ 150-42. Intent.

The R-R Retirement Residential District regulations are designed to allow for and encourage the development of residential medical campuses which shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old or be the remaining spouse of a deceased resident who was at least fifty (50) years old.

§ 150-43. Permitted uses.

- A. Only those uses which provide a harmonious, balanced mix of residential, medical, limited commercial and recreational, uses, primarily serving campus residents, shall be permitted. The medical services may serve off-campus residents.
- B. Permitted uses shall be as follows:
 - (1) Dwelling, nursing homes and congregate living facilities for the elderly.
 - (2) Medical facilities.

- (3) Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the campus.
- (4) Recreational and social uses, such as athletic facilities, community centers and assembly halls, limited to use only by campus residents, employees or visitors.
- (5) Customary accessory uses and structures incidental to any of the above.
- (6) Golf courses.

§ 150-44. Lot and building requirements; management; supplementary district regulations.

- A. The minimum lot area shall be twenty (20) acres.
- B. The maximum campus density shall not exceed twenty (20) units per acre. In the calculation of the overall site density, every four and one-half (4 1/2) beds located within the skilled-care center, nursing home or similar hospital institution shall equal one (1) dwelling unit and shall be included in determining the total number of dwelling units allowed under the terms of this article.
- C. Each retirement residential medical campus shall be developed and managed by a single management body. If the ownership of the tract on which the campus is located should be divided in any fashion or for any reason, deed and other restrictions shall be required to ensure that common development, management and responsibility with respect to the campus complex is maintained.
- D. Maximum lot coverage of fifty percent (50%) with impervious surfaces is required.
- E. All facilities shall be served with public water and sewer.
- F. The site shall front on and have access to a collector or arterial road.
- G. All streets, parking and loading areas shall have concrete or asphalt surfaces.
- H. Single-family detached, semidetached and attached dwellings shall be constructed no less than twenty (20) feet apart on sides and forty (40) feet apart when the front or back of a unit faces another unit. Similarly, multifamily personal care or apartment buildings, skilled-care medical facilities and nonresidential buildings or structures shall maintain an isolation distance of forty (40) feet from all other buildings or structures.
- I. All buildings or structures shall be set back at least twenty-five (25) feet from all lot lines and set back thirty (30) feet from any public street.
- J. All buildings or structures shall be set back at least twenty-five (25) feet from all paved areas, except access to parking, loading areas and walkways.
- K. No building or structure shall exceed sixty (60) feet in height.
- L. All streets, public or private, shall be built to Township standards.

- M. Plans for all living and service facilities shall be approved by the appropriate local and state agencies, including but not limited to the Department of Labor and Industry, the Department of Public Welfare and the Lebanon Area Agency on Aging.
- N. Off-street parking shall be provided in accordance with Article XVII of this chapter.
- O. Signs may be permitted in accordance with Article XVIII of this chapter.
- P. The supplementary district regulations in Article XV shall apply, where applicable, as additional requirements.

ARTICLE XI

C-1 Neighborhood Commercial Districts

§ 150-45. Intent.

The regulations of this district are designed to encourage commercial activity that is intended to serve nearby residential areas with personal service shops and similar uses. These uses are not dependent upon major thoroughfares and traffic volumes.

§ 150-46. Permitted uses.

Permitted uses shall be as follows:

- A. Retail stores for the retailing of consumer goods of all types not otherwise prohibited by law.
- B. Restaurants, excluding drive-in, drive-through and fast-feed types as defined by this chapter.
- C. Personal service shops, including but not limited to barbers, beauticians, tailors, shoe repairmen, etc.
- D. Professional offices or studios, banks, savings associations, finance agencies or other offices dispensing professional or business services.
- E. Offices of licensed Pennsylvania health professionals.
- F. Mortuaries and funeral homes.
- G. Hotels and commercial boardinghouses.
- H. Agriculture, as defined by this chapter, including nurseries and commercial greenhouses. **[Added 11-12-1991 by Ord. No. 86; amended 7-14-1992 by Ord. No. 92]**
- I. Nursery school/day-care centers. **[Added 8-8-1995 by Ord. No. 107]**
- J. Churches and associated parish houses, and cemeteries. **[Added 4-26-2010 by Ord. No. 158]**

§ 150-47. Lot, yard and building height requirements.

- A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table shall be provided for every principal building or use hereafter erected or established in this district. **[Amended 9-10-1996 by Ord. No. 111]**

District Requirements					
Lot Requirements			Yard Requirements		
Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)
1	200	50%	50	20*	25*

NOTES:

- * Where a side yard or rear yard adjoins a residential district, such yard shall be no less than fifty (50) feet.

- B. No building or structure shall exceed thirty-five (35) feet in height unless exempted by this chapter.

§ 150-48. Off-street parking and loading.

Off-street parking and loading shall be provided in accordance with Article XVII of this chapter.

§ 150-49. Signs.

Signs may be permitted in accordance with regulations found in Article XVIII of this chapter.

§ 150-50. Supplementary district regulations.

The supplementary district regulations in Article XV shall apply, where applicable, as additional requirements for this district.

§ 150-51. Environmental and energy requirements.

The environmental and energy requirements in Article XVI shall apply, where applicable, as additional requirements for this district.

ARTICLE XII
C-2 Highway Commercial Districts

§ 150-52. Intent.

The regulations of the C-2 Commercial District are intended to encourage commercial activity in the higher traffic volume areas for uses that encompass a wider range of activities than the C-1 District. These uses are often farther from or buffered from residential areas because of their need for more area or because they are less aesthetically compatible with residential uses than C-1 uses.

§ 150-53. Permitted uses.

Permitted uses shall be as follows:

A. Multiple commercial use complexes and shopping centers, provided that the following conditions are met:

- (1) The complex or shopping center shall consist of a group of two (2) or more commercial uses planned, designed and constructed as one (1) principal structure. Each commercial establishment within the complex shall share at least one (1) party wall with another establishment.
- (2) The minimum lot size shall be determined by the total gross floor area of the principal structure, according to the following table:

Total Gross Floor Area (square feet)	Minimum Lot Area Required (acres)
0 to 20,000	1
20,001 to 40,000	2
Greater than 40,000	2, plus 1 acre for each 15,000 square feet, or fraction thereof, in excess of the initial 40,000 square feet of floor area

- (3) Such use complex shall comply in all respects with the lot width, lot coverage, yard and building height requirements of this article.
- B. Offices of licensed Pennsylvania health professionals.
- C. Messenger, dispatch, express and courier services.
- D. Taxi and bus passenger stations.
- E. Indoor amusement enterprises such as arenas, bowling centers, dance halls and other similar recreation or entertainment establishments.
- F. Drive-in movie theaters.

- G. Restaurant facilities of all types as defined by this chapter, including private, membership or social clubs.
- H. Beverage distribution centers.
- I. Printing and publishing firms.
- J. Shops for building, plumbing, heating, painting or other contractors, upholstering specialists, etc.
- K. Hotels and motels.
- L. Automobile dealers and automobile washes.
- M. Gasoline stations and repair garages, subject to the following regulations:
 - (1) All work shall be conducted indoors.
 - (2) All automotive parts, dismantled and derelict vehicles and similar articles shall be stored only within an enclosed building.
 - (3) All gasoline or fuel pumps shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or property line.
 - (4) All fuel, oil or similar combustible petroleum product storage tanks shall be located at least thirty-five (35) feet from any road right-of-way line or property line.
 - (5) Automotive vehicles without valid, current registration and state inspection shall be restricted according to the regulation for such vehicles as found in the supplementary district regulations.
- N. Automobile body shops, provided that the following conditions are met:
 - (1) All work shall be conducted indoors.
 - (2) Paint booths shall be adequately filtered and vented to minimize noxious fumes.
 - (3) Flammable or combustible materials shall be stored within a fireproof enclosure within the principal structure or within an accessory building no less than fifty (50) feet from any lot line.
 - (4) Outdoor storage of auto parts or equipment shall not be permitted at any time.
- O. Lumber, coal or fuel distribution yards, provided that the following conditions are met:
 - (1) All principal and accessory buildings, storage areas, scales, distribution areas and parking facilities shall be a minimum of one hundred (100) feet from any lot line or road right-of-way line.
 - (2) Fuel storage tanks shall be placed underground at least fifty (50) feet from any lot line or road right-of-way line or above ground at least one hundred (100) feet from any lot line or road right-of-way line.

- P. Warehousing and wholesaling establishments.
- Q. All uses permitted in C-1 Commercial Districts.

§ 150-54. Objectionable uses.

All of the above permitted uses shall not be objectionable by the production of excessive smoke, dust, odors, noise, heat, vibration or glare and shall not be injurious nor adversely affect adjacent users of property. The Zoning Administrator shall require the permit applicant to demonstrate the safety of the use to the Zoning Hearing Board in an administrative review proceeding if such dangers appear likely.

§ 150-55. Lot, yard and building height requirements.

- A. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in this article, shall be provided for each principal building or use hereafter erected or established in this district. **[Amended 9-10-1996 by Ord. No. 111]**

District Requirements					
Lot Requirements			Yard Requirements		
Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage (percent)	Front (feet)	Side (feet)	Rear (feet)
1	200	50%	60	30*	30*

NOTES:

- * Where a side yard or rear yard adjoins a residential district, such yard shall be at least fifty (50) feet.

- B. No building or structure shall exceed thirty-five (35) feet unless exempted elsewhere in this chapter.

§ 150-56. Off-street parking and loading.

Off-street parking and loading shall be provided in accordance with Article XVII of this chapter.

§ 150-57. Signs.

Signs may be provided in accordance with Article XVIII of this chapter.

§ 150-58. Supplementary district regulations.

The supplementary district regulations in Article XV shall apply, where applicable, as additional requirements for this district.

§ 150-59. Environmental and energy requirements.

The environmental and energy requirements in Article XVI shall apply, where applicable, as additional requirements for this district.

ARTICLE XIII**I-1 Industrial Districts****§ 150-60. Intent.**

These districts are designed to accommodate and encourage wholesaling, warehousing and industrial operations, depending upon existing land uses, physical conditions and the availability of nearby municipal utilities and transportation facilities. The district accommodates extensive industrial activities in these areas so as to minimize any detrimental effects that they might have on other uses in the Township and at the same time provides an industrial zone free of encroachment from other activities.

§ 150-61. Permitted uses.

Permitted uses shall be as follows:

- A. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, compounding or treatment nature which would not be detrimental to the health and safety of nearby owners and users of property by the production of excessive smoke, dust, odors, noise or glare. If any of the above dangers appear likely, the Zoning Administrator shall require the applicant to prove the contrary to the Zoning Hearing Board in an administrative review proceeding before a permit is issued.
- B. Warehousing and wholesaling establishments and storage yards, not including junkyards.
- C. Railroad, trucking, bussing and other transit facilities, including storage, repair and transfer operations.
- D. Automobile body shops, repair garages and gasoline stations, provided that the following conditions are met:
 - (1) Fuel pumps shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or lot line.
 - (2) Fuel, oil or combustible product storage tanks shall be located at least thirty-five (35) feet from any lot line or right-of-way line.
 - (3) Repair work on vehicles shall be performed inside buildings.

- (4) Automotive parts, dismantled and derelict vehicles and similar articles or parts thereof shall be stored within buildings.
- (5) Automotive vehicles without valid, current registration and inspection shall be restricted according to the supplementary district regulations. **[Amended 11-12-1991 by Ord. No. 86]**
- (6) A building used for an automobile body shop shall be a minimum of fifty (50) feet from each lot line when located adjacent to a residential district.
- (7) Flammable or combustible materials associated with the automobile body shop shall be stored in accordance with current applicable regulations.
- E. Agriculture, as defined by this chapter, including nurseries and commercial greenhouses. **[Added 11-12-1991 by Ord. No. 86; amended 7-14-1992 by Ord. No. 92]**
- F. Customary accessory buildings and uses incidental to any of the above permitted uses.
- G. Recreational uses. **[Added 6-20-2011 by Ord. No. 161]**
- H. Solar farms. **[Added 12-20-2021 by Ord. No. 198]**
 - (1) The minimum lot size for the establishment of any solar farm shall be fifty (50) acres;
 - (2) The solar panels and associated structures shall be set back a minimum of one hundred (100) feet from any property line and/or road right-of-way.

§ 150-62. Special exception uses. [Amended 11-12-1991 by Ord. No. 86]

The following uses are permitted upon approval by the Zoning Hearing Board, provided that the conditions listed hereinafter and the general conditions of Article XXII are met:

- A. Automobile recycling and junkyards used for storage, wrecking and converting used or discarded materials, provided that the following conditions are met:
 - (1) The minimum lot area shall be ten (10) acres.
 - (2) Buildings or land so used shall be no closer than one hundred fifty (150) feet to a street right-of-way line and no less than five hundred (500) feet from any use district other than Industrial.
 - (3) The use shall be completely enclosed by an evergreen screen planting, placed and maintained at a height not less than eight (8) feet and backed by a solid fence at a height not less than six (6) feet.
- B. Airfields, strips or landing facilities and buildings accessory thereto, provided that the following conditions are met:
 - (1) The minimum lot area shall be ten (10) acres.

- (2) The applicant shall submit a plat plan of the lot indicating the runway and approach area and existing residences located within five hundred (500) feet of the runway.
 - (3) The runway shall be no closer than one hundred (100) feet to any residential district, and no closer than fifty (50) feet to any lot line or street right-of-way line.
 - (4) A description of equipment and facilities to be used shall be made available to the Zoning Hearing Board.
 - (5) The airport approach area shall be defined as a three hundred (300) feet wide area lying within and below an inclined plane extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot of height for each twenty (20) feet from each end of the runway. No building, structure or airport hazard within the approach area shall exceed one (1) foot in height for each twenty (20) feet that it is distant from the end of the runway, with no structure or airport hazard to exceed thirty-five (35) feet in height anywhere within the lot.
 - (6) Pulsating or intermittent lighting is prohibited.
 - (7) Flood lights, spot lights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.
 - (8) Radios or electronic devices may be permitted after approval and license by the Federal Communications Commission.
 - (9) Facilities of this nature shall conform to and operate under the standards set by the Federal Aeronautics Administration and the Pennsylvania Aeronautical Commission.
 - (10) The Zoning Hearing Board may impose other conditions as are appropriate to public safety and welfare, including hours of operation, frequency of use and a location in relation to existing residences.
- C. Sandpits, gravel pits, removal of topsoil and the excavation, extraction or removal of any natural resource from the land or ground for any purpose are permitted subject to the following conditions:
- (1) Application for the special exception shall be accompanied by an approved or pending Department of Environmental Resources permit for the facility.
 - (2) The proposed facility shall not affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by wind or water.
 - (3) Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty percent (30%), there shall be an appropriate protective fence with suitable gates where necessary, effectively blocking access to the area in which extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.

- (4) That portion of access roads located within one hundred (100) feet of any lot in a residential use or zoned as residential shall be provided with a dustless surface. Access roads shall connect to collector or major road networks avoiding undue movement through residential areas.
- (5) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

- (6) A site plan for rehabilitation, showing both existing and final contours, shall be submitted. After any such operations, the site shall be made reusable for a use permitted in this zoning district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be spread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth at least two (2) feet deep or to original thickness, whichever is less, and capable of supporting vegetation. Fill shall be of an acceptable material.

§ 150-63. Lot and yard requirements.

A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following list, unless otherwise specified heretofore in this article, shall be provided for every principal building or use hereafter erected or established in this district.

A. Lot area, lot width and coverage requirements.

- (1) Minimum lot area: two (2) acres.
- (2) Minimum lot width: two hundred (200) feet.
- (3) Maximum lot coverage: fifty percent (50%).

B. Yard regulations. For every principal or accessory building or use in the Industrial District, the minimum yard regulations shall be as follows:

- (1) Required front yards, measured from the street right-of-way line to a building, are as follows:
 - (a) A depth of not less than one hundred (100) feet from a right-of-way line.
 - (b) A depth of one hundred fifty (150) feet if such front yard is across the street from a residentially zoned district.
- (2) Required side yards, measured from the side lot line to the building line, are as follows:
 - (a) Not less than twenty (20) feet on each side of the building.
 - (b) No building or structure may be located less than one hundred fifty (150) feet from a residentially zoned district.
- (3) Rear yards of not less than thirty (30) feet shall be provided, except that no building or structure may be located less than one hundred fifty (150) feet from a residentially zoned district.
- (4) Yards shall be appropriately landscaped and well maintained in accordance with Article XVI of this chapter.

C. Height regulations. The height of any principal or accessory building shall not exceed seventy-five (75) feet, except that chimneys, flagpoles, towers, water tanks or other mechanical appurtenances may be built to a height not to exceed one hundred twenty-

five (125) feet above the finished grade when erected upon or as an integral part of the building.

§ 150-64. Off-street parking and loading.

Off-street parking and loading shall be provided in accordance with Article XVII of this chapter.

§ 150-65. Signs.

Signs may be permitted in accordance with Article XVIII of this chapter.

§ 150-66. Supplementary district regulations.

The supplementary district regulations in Article XV shall apply, where applicable, as additional requirements for this district.

§ 150-67. Environmental and energy requirements.

The environmental and energy requirements in Article XVI shall apply, where applicable, as additional requirements for this district.

ARTICLE XIV

Floodplain District

[Added 6-15-2020 by Ord. No. 195¹⁶]

§ 150-68. (Reserved)

§ 150-68.1. Intent.

These regulations are designed to prohibit or restrict construction of any permanent building or structure, or uses and activities in the special flood hazard area (SFHA), in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around watercourses, and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, to minimize future flood damage, comply with federal and state floodplain management requirements, and promote the general health, welfare, and safety of the community.

16. Editor's Note: This ordinance also repealed former Art. XIV, Floodplain District, as amended.

§ 150-68.2. Applicability.

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within North Londonderry Township unless a permit has been obtained from the Floodplain Administrator.

§ 150-68.3. Abrogation and greater restrictions.

- A. This article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this article, the more restrictive shall apply.
- B. All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map.¹⁷ Where there happen to be conflicts between the provisions or requirements of either the SFHA - AE Zones and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the SFHA be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the SFHA is located.

§ 150-68.4. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this article, which shall remain in full force and effect, and for this purpose the provisions of this article are hereby declared to be severable.

§ 150-68.5. Warning and disclaimer of liability.

- A. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur, or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.
- B. This article shall not create liability on the part of North Londonderry Township or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

17. Editor's Note: Said Zoning Map is included as an attachment to this chapter.

§ 150-68.6. Designation of Floodplain Administrator.

- A. The Zoning Officer is hereby appointed to administer and enforce this article and is referred to herein as the "Floodplain Administrator." The Floodplain Administrator may:
- (1) Fulfill the duties and responsibilities set forth in these regulations;
 - (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or
 - (3) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.
- B. In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Chief Executive Officer for the municipality.

§ 150-68.7. Permits required.

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the identified floodplain area of North Londonderry Township unless a permit has been obtained from the Floodplain Administrator.

§ 150-68.8. Duties and responsibilities of Floodplain Administrator.

- A. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);¹⁸ the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended);¹⁹ the Pennsylvania Clean Streams Act (Act 1937-394, as amended);²⁰ and the U.S. Clean Water Act, Section 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the preimprovement market value of the structure, so that a substantial improvement/

18. Editor's Note: See 35 P.S. § 750.1 et seq.

19. Editor's Note: See 32 P.S. § 693.1 et seq.

20. Editor's Note: See 35 P.S. § 691.1 et seq.

substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.

- D. In the case of existing structures, prior to the issuance of any permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any cumulative substantial damage concerns can be addressed before the permit is issued.
- E. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- F. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this article.
- G. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- H. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this article, including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- I. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- J. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- K. The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2015 IBC and the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

§ 150-68.9. Application procedures and requirements.

- A. Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Floodplain Administrator. Such application shall contain the following:
 - (1) Name and address of applicant.
 - (2) Name and address of owner of land on which proposed construction is to occur.
 - (3) Name and address of contractor.

- (4) Site location, including address.
 - (5) Listing of other permits required.
 - (6) Brief description of proposed work and estimated cost, including a breakdown of flood-related cost and the market value of the building before the flood damage occurred, where appropriate.
 - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
 - (4) Structures will be anchored to prevent floatation, collapse, or lateral movement;
 - (5) Building materials are flood-resistant;
 - (6) Appropriate practices that minimize flood damage have been used; and
 - (7) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- (1) A completed permit application form.
 - (2) A plan of the entire site, clearly and legibly 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) Topographic contour lines, if available;
 - (c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (d) The location of all existing streets, driveways, and other accessways; and

- (e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
- (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - (b) The elevation of the base flood;
 - (c) Supplemental information as may be necessary under 34 PA Code, the 2015 IBC or the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
- (4) The following data and documentation:
- (a) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - (b) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - (c) Documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a floodway area (see § 150-68.17A) will not increase the base flood elevation at any point.
 - (d) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway or an A Area (see § 150-68.17B and C) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point within the community.
 - (e) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base 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 the development.
 - (f) Detailed information needed to determine compliance with § 150-68.23F, Storage, and § 150-68.24, Development that may endanger human life, including:
 - [1] The amount, location and purpose of any materials or substances referred to in Sections 150-68.23F and 150-68.24 which are intended to be used, produced, stored or otherwise maintained on-site.
 - [2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 150-68.24 during a base flood.

- (g) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (h) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- D. Applications for permits shall be accompanied by a fee, in accordance with the current schedule of fees adopted by resolution by the municipality.

§ 150-68.10. Review of application by others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.

§ 150-68.11. Changes.

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

§ 150-68.12. Placards.

In addition to the permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance, and be signed by the Floodplain Administrator.

§ 150-68.13. Start of construction.

- A. Work on the proposed construction or development shall begin within ninety (90) days after the date of permit issuance. Work shall also be completed within twelve (12) months after the date of issuance of the permit, or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator.
- B. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For

a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- C. Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with this article and FIRM/FIS in effect at the time the extension is granted.

§ 150-68.14. Enforcement.

- A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) State the name of the owner of record and any other person against whom the municipality intends to take action;
- (3) State the location of the property in violation;
- (4) State the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this article;
- (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article. State the date before which the steps for compliance must be commenced and the date before which the steps must be completed, not to exceed thirty (30) days;
- (6) State that the recipient of the notice has the right to appeal to the municipal zoning hearing board within a prescribed period of time in accordance with procedures set forth in this article;
- (7) State that failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
- (8) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state.

- B. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by North Londonderry Township, pay judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by North Londonderry Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the

determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, North Londonderry 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 article 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 (5th) day following the date of the determination of a violation by the district justice and therefore each day that a violation continues shall constitute a separate violation.

- C. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- D. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than North Londonderry Township the right to commence any action for enforcement pursuant to this section.
- E. District Justices shall have initial jurisdiction over proceedings brought under this section.

§ 150-68.15. Appeals.

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this article, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.²¹

§ 150-68.16. Identification of floodplain areas.

- A. The identified floodplain area shall be:
 - (1) Any areas of North Londonderry Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 8, 2020, and issued 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; and
 - (2) Any community-identified flood hazard areas.

21. Editor's Note: See 32 P.S. § 679.101 et seq.

- B. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by North Londonderry Township and declared to be a part of this article.

§ 150-68.17. Description and special requirements of identified floodplain areas.

The identified floodplain area shall consist of the following specific areas:

- A. The floodway area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.
- (1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
 - (3) Permitted uses. In the floodway areas, the following uses and activities are permitted, provided that:
 - (a) The information required in this article is submitted as a part of the permit application;
 - (b) They are in compliance with the provisions of the nearest zoning district;
 - (c) They will not result in any increase in the level of the base flood elevation anywhere;
 - (d) They are not prohibited by this or any other ordinance;
 - (e) They do not require the placement or use of permanent on-lot sewage facilities within the floodway; and
 - (f) They do not require encroachments, fill, new construction, manufactured homes, substantial improvements, vehicles or parts thereof, storage of materials and equipment, or other development:
 - [1] Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.
 - [2] Public and private recreational uses and activities such as parks; picnic grounds; areas for short-term camping or recreational vehicle

uses; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback-riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Uniform Construction Code (UCC).

- [3] All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; signs, unroofed porches, patios, open porches or carports, provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of floodwater and debris and are in compliance with the applicable requirements of the Uniform Construction Code (UCC); impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.
 - [4] Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
 - [5] Water-related uses and activities such as marinas, docks, wharves, piers, etc.
 - [6] Extraction of sand, gravel, and other materials.
 - [7] Storage of materials and equipment, provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or provided that such material and equipment is elevated at least two (2) feet above base flood elevation, is firmly anchored to prevent flotation or movement; and/or can be readily removed from the area within the time available after flood warning.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - (2) AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - (a) No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering

practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels within the entire community during the occurrence of the base flood discharge.

- (b) 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, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. The base flood elevation shall be determined with hydrologic and hydraulic engineering techniques. 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, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
 - (1) Within any A Area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- D. The AO and AH Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by one-percent-annual-chance shallow flooding where average depths are between one (1) and three (3) feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.
- E. Community-identified flood hazard areas shall be those areas where North Londonderry Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks, soils or approximate study methodologies.

§ 150-68.18. Changes in identification of area.

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See § 150-68.21B for situations where FEMA notification is required.

§ 150-68.19. Boundary disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

§ 150-68.20. Jurisdictional boundary changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

§ 150-68.21. Technical provisions.**A. Alteration or relocation of watercourse.**

- (1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection regional office.
- (2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
- (3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. When North Londonderry Township proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; or any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one (1) foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall (as per 44 CFR 65.12):

- (1) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
- (2) Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.

- (3) Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- C. All buildings and structures, including manufactured homes, shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- D. The following shall not be placed or caused to be placed in any of the designated SFHA: fences, except two-wire fences, other structures, or other matter which may impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of floodwaters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
- E. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this article and any other applicable codes, ordinances and regulations.
- F. The municipality will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.

§ 150-68.22. Elevation and floodproofing requirements.

- A. Residential structures.
 - (1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated two (2) feet or more above the base flood elevation.
 - (2) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated two (2) feet or more above the base flood elevation as determined in accordance with § 150-68.17C of this article.
 - (3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) two (2) feet or more above the depth number specified on the FIRM.
 - (4) The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.
- B. Nonresidential structures.
 - (1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated two (2) feet or more above, the base flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

- (a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - (b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
- (2) In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed two (2) feet or more above the base flood elevation as determined in accordance with § 150-68.17C of this article.
- (3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed two (2) feet or more above the depth number specified on the FIRM.
- (4) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built floodproofing certificate prior to the issuance of the certificate of occupancy.
- (5) Any nonresidential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the nonresidential floodproofing certificate and prior to the issuance of the certificate of occupancy:
 - (a) An inspection and maintenance plan detailing the annual maintenance of floodproofed components, ensuring that all components will operate properly under flood conditions. Components that must be inspected include, at a minimum:
 - [1] Mechanical equipment such as sump pumps and generators;
 - [2] Flood shields and closures;
 - [3] Walls and wall penetrations; and
 - [4] Levees and berms (as applicable).
 - (b) Flood emergency operation plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
 - [1] An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.

- [2] A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
 - [3] A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
 - [4] An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
 - [5] A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
- (6) The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor.

- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls.
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- D. Historic structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, as defined in this article, must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

§ 150-68.23. Design and construction standards.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- A. Fill. Filling or the dumping of fill material is prohibited in the SFHA on vacant lots or on land not scheduled for approved construction activities. Fill may only be used in the SFHA to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of two (2) feet above the base flood elevation, provided the following conditions are met:
- (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for the intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five percent (25%) of the perimeter of a nonresidential structure.
 - (2) Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (3) Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 - (4) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Zoning Officer.
 - (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
 - (6) Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.
- B. Drainage facilities. 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 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.

C. Water and sanitary sewer facilities and systems.

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (3) No part of any on-site waste disposal system shall be located within any identified floodplain area. No variance shall be granted.
- (4) The design and construction provisions of the UCC and FEMA No. 348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other utilities. All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

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

F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 150-68.24, Development that may endanger human life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.

G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

H. Anchoring.

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, walls and ceilings.

- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.

- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Paints and adhesives.

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
- (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.

K. Electrical components.

- (1) Electrical distribution panels shall be at least two (2) feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment.

- (1) Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be elevated at or above the regulatory flood elevation [two (2) feet above base flood elevation] and shall be anchored to resist flotation, collapse, and lateral movement.
- (2) Ductwork shall be elevated to or above the regulatory flood elevation [two (2) feet above base flood elevation].

M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

N. Uniform Construction Code coordination. The standards and specifications contained in 34 Pa. Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this article, to the extent that they are more restrictive and supplement the requirements of this article:

- (1) International Building Code (IBC) 2015 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- (2) International Residential Building Code (IRC) 2015 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

§ 150-68.24. Development that may endanger human life.

Within any identified floodplain area, any structure of the kind described in Subsection A, below, shall be prohibited. No variance shall be granted.

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances, shall be prohibited. The following list of materials and substances are considered dangerous to human life:

Acetone
Ammonia
Benzene
Calcium carbide
Carbon disulfide
Celluloid
Chlorine
Hydrochloric acid
Hydrocyanic acid
Magnesium
Nitric acid and oxides of nitrogen
Petroleum products (gasoline, fuel oil, etc.)
Phosphorus
Potassium
Sodium
Sulphur and sulphur products
Pesticides (including insecticides, fungicides, and rodenticides)
Radioactive substances, insofar as such substances are not otherwise regulated

§ 150-68.25. Special requirements for subdivisions and development.

All subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision (CLOMR) and letter of map revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 150-68.26. Special requirements for manufactured homes.

- A. The placement or replacement of any manufactured homes in the floodway areas is prohibited.
- B. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - (1) Placed on a permanent foundation;
 - (2) Elevated so that the lowest floor of the manufactured home is at least two (2) feet above base flood elevation.
 - (3) And anchored to resist flotation, collapse, or lateral movement.
- C. Equipment requirement.
 - (1) Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be elevated to the regulatory flood elevation [two (2) feet above BFE] and shall be anchored to resist flotation, collapse, and lateral movement.
 - (2) Ductwork shall be elevated to or above the regulatory flood elevation [two (2) feet above BFE].
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2015 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 Pa. Code Chapter 401-405 shall apply.
- E. Consideration shall be given to the installation requirements of the 2015 IBC, and the 2015 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

§ 150-68.27. Special requirements for recreational vehicles.

Recreational vehicles in Zones A, A1-30, AH and AE must:

- A. Be on the site for fewer than one hundred eighty (180) consecutive days; and
- B. Be fully licensed and ready for highway use; and
- C. Be removed from the floodplain when a flood warning is issued.

§ 150-68.28. Prohibited activities.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain

Management Act,²² the following activities shall be prohibited within any identified floodplain area:

- A. 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:
- (1) Hospitals, sanitariums, sanatoriums, clinics, etc., whether public or private.
 - (2) Public or private nursing homes.
 - (3) Jails or prisons.
 - (4) Public or private schools or institutions of higher education.
 - (5) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
 - (6) Any other use, activity, or development not specifically permitted under the terms of this article.

§ 150-68.29. Existing structures.

The provisions of this article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 150-68.30 shall apply.

§ 150-68.30. Improvements.

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area/district.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway or A Areas that would, together with all other existing and anticipated development, increase the BFE at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty percent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this article.
- D. The above activity shall also address the requirements of the 34 Pa. Code, as amended, and the 2015 IBC and the 2015 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.

22. Editor's Note: See 32 P.S. § 679.101 et seq.

- E. Within any floodway area/district (See § 150-68.17A), no new construction or development shall be allowed except as permitted in § 150-68.17A.
- F. Within any AE Area/District without Floodway (See § 150-68.17B), 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, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
- G. Any modification, alteration, reconstruction, or improvement of any kind occurring as a result of "cumulative substantial damage," as defined in this article, shall be undertaken only in full compliance with the provisions of this article.

§ 150-68.31. Variances.

If compliance with any of the requirements of this article would result in an exceptional hardship to a prospective builder, developer or landowner, the North Londonderry Township Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

§ 150-68.32. Variance procedures and conditions.

Requests for variances shall be considered by the North Londonderry Township Zoning Hearing Board in accordance with the procedures contained in § 150-68.15 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area/district that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. No variance shall be granted for any of the other requirements pertaining specifically to development regulated by prohibited activities (§ 150-68.28) or to development that may endanger human life (§ 150-68.24).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the North Londonderry Township Zoning Hearing Board shall 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 article.
- F. Whenever a variance is granted, the North Londonderry Township Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.

G. In reviewing any request for a variance, the North Londonderry Township Zoning Hearing Board shall consider, at a minimum, the following:

- (1) That there is good and sufficient cause.
- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will neither:
 - (a) Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor
 - (b) Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (4) The danger of life and property due to increased flood heights or velocities caused by encroachments.
- (5) The danger that materials may be swept onto other lands or downstream to the injury of others.
- (6) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (7) The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.
- (8) The importance of the services provided by the proposed facility to the community.
- (9) The requirements of the facility for a waterfront location.
- (10) The availability of alternative locations not subject to flooding for the proposed use.
- (11) The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.
- (12) The relationship of the proposed use or structure to the Comprehensive Plan and floodplain management programs of the area.
- (13) The safety of access to the property in times of flood by ordinary and emergency vehicles.
- (14) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwater expected at the site.
- (15) Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined herein.
- (16) The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations, applicable insurance premiums, nor any state or federal permitting requirements.

- (17) Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended²³).
 - (18) Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.
 - (19) Other factors which are relevant to the purpose of this article.
 - (20) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.
- H. A complete record of all variance requests and related actions shall be maintained by the North Londonderry Township Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the biennial report to FEMA.

§ 150-68.33. Definitions.

Unless specifically defined below, words and phrases used in this article shall be interpreted so as to give this article its most reasonable application.

§ 150-68.34. Specific definitions.

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.

ALLUVIAL SOILS MAPS — Soils maps prepared by the United States Department of Agriculture, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

BASE FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent annual chance flood).

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on all sides.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

23. Editor's Note: See 53 P.S. § 10101 et seq.

CUMULATIVE SUBSTANTIAL DAMAGE — Flood-related damages sustained by a structure on two (2) or more separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event cumulatively sums to fifty percent (50%) or more of the market value of the structure before the damages occurred.

DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT) — A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

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.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

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.

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 channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES — Any structure that is:

- A. Listed individually in 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;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA — This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the special flood hazard area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See §§ 150-68.16 and 150-68.17 for the specifics on what areas the community has included in the identified floodplain area.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this article.

MANUFACTURED HOME — A structure, transportable in one (1) 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, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE — For the purposes of this article, shall be determined utilizing the market value established by the Lebanon County Tax Assessment Office.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective start date of this floodplain management article and includes any subsequent improvements to such structures. Any construction started after September 28, 1979, and before the effective start date of this floodplain management article is subject to

this article in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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.

POST-FIRM STRUCTURE — Is a structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated September 28, 1979, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE — Is a structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM) dated September 28, 1979, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Not more than four hundred (400) square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of two (2) feet. The freeboard safety factor also applies to utilities and ductwork.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within ninety (90) days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the

installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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.

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

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or cumulative substantial damage regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VARIANCE — A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE — A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

§ 150-68.35. Effective date.

This article shall be effective on June 20, 2020, and shall remain in force until modified, amended or rescinded by North Londonderry Township, Lebanon County, Pennsylvania.

§ 150-69. through § 150-84. (Reserved)

ARTICLE XV

Supplementary District Regulations

§ 150-85. Intent.

The supplementary district regulations are designed to contain a list of complementary and generally applied requirements which assist in the administration of regulations listed elsewhere in this chapter. Where applicable, these regulations shall apply uniformly to every use, activity, building or structure hereafter erected, altered, established or expanded. These regulations apply to all zoning districts and are listed comprehensively herein to avoid repetition throughout this chapter.

§ 150-86. Accessory buildings and structures. [Amended 9-10-1996 by Ord. No. 111; 6-20-2011 by Ord. No. 161]

Any building or structure attached to a principal building in any manner shall comply in all respects with the yard requirements of this chapter for a principal building. No separate or detached building or structure shall be permitted in any required front yard. In R-2 and R-3 Zoning Districts, all detached accessory buildings shall be located beyond the front building line of the principal structure. Detached accessory buildings shall not be permitted within seven (7) feet of any side or rear lot line and shall not have an average building height greater than twenty-two (22) feet. In all districts where the entrance to a detached private garage abuts a public alley, said garage entrance shall be no less than fifteen (15) feet from the right-of-way of said alley.

§ 150-87. Accessory uses.

- A. Private, noncommercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or more, regardless of whether they are permanently affixed or moveable, shall be located on the same lot or tract as the dwelling and shall not be permitted in the front yard. In all other yards, a pool shall not be closer than fifteen (15) feet to any lot line, as measured from the water's edge. All pools shall be completely enclosed with a continuous, impenetrable fence or barrier of no less than forty-eight (48) inches in height above the ground level and shall be equipped with a lockable gate or retractable ladder. Any deck, patio or impenetrable surface, not under a roof or otherwise enclosed, which surrounds or is attached to or associated with a pool, shall be no closer than five (5) feet to the side or rear lot line. **[Amended 7-14-1992 by Ord. No. 92; 1-5-1998 by Ord. No. 115; 6-21-2004 by Ord. No. 132]**
- B. Private tennis courts shall be permitted within side or rear yards, provided that such facility shall not be less than seven (7) feet from side or rear lot lines.
- C. Nothing in this section shall be construed to limit other uses not mentioned, so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

§ 150-88. Projections into yards.

The following projections shall be attached to a building, may be permitted in required yards and shall not be determined in the determination of yard size:

- A. Patios, paved terraces, decks or open, unroofed porches shall be permitted in all yards, provided that such structures shall be no closer than five (5) feet to any lot line and not greater than five (5) feet above finished grade.
- B. Projecting architectural features, such as bay windows, cornices, eaves, fireplaces, chimneys, window sills or other architectural features, provided they do not extend more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property lines; however, any canopies, porte cocheres or other roofs that extend more than five (5) feet from the building line as defined in Article II of this chapter shall be subject to the yard requirements applied from the lot line to the edge of the roof.
- C. Stairs, landings and decks which are unroofed, provided that they are no closer than five (5) feet to any lot line.
- D. Open balconies or fire escapes, provided that such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property line.
- E. Front porch roofs in the R-1 and R-2 Districts, provided that, in the R-1 District, said porch roof does not extend more than eight (8) feet beyond the front building line nor be closer than thirty-five (35) feet to front street right-of-way, or, in the R-2 District, said front porch roof does not extend more than eight (8) feet beyond the front building line nor be closer than twenty (20) feet to the front street right-of-way. Front porch roofs in

the R-3 District shall be no closer than twenty-five (25) feet to the front street right-of-way. **[Added 10-20-2003 by Ord. No. 129]**

§ 150-89. Home occupations.

A home occupation as defined in Article II may be permitted in any district under the following conditions:

- A. The proprietor of the home occupation shall reside on the premises and shall be the property owner or a member of the immediate family of the property owner. The home occupation shall be incidental to the use of the property as a residence, and there shall be no exterior evidence of the occupation nor change to the appearance of the dwelling to facilitate the operation of the occupation, other than one (1) small sign as provided in Article XVIII of this chapter.
- B. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five percent (25%) of the habitable floor area nor more than seven hundred fifty (750) square feet. This area shall include all functions or activities of the home occupation.
- C. The proprietor may employ not more than one (1) assistant who does not reside within the dwelling used for the home occupation.
- D. In addition to the parking required for the residence, two (2) off-street parking spaces shall be provided for the home occupation plus one (1) additional space for any nonresident assistant. Off-street parking improvements shall comply with Article XVII of this chapter.
- E. Home occupations or accessory functions of a home occupation which may create objectionable noise, fumes, odor, dust, electrical interference or substantially more than normal residential traffic shall be prohibited.

§ 150-90. Visibility at intersections.

On a corner lot in any district a clear sight triangle shall be provided at street intersections. Within such triangles, no vision-obstructing objects (other than utility poles) shall be permitted which obscure vision above the height of thirty (30) inches and below ten (10) feet as measured from the center-line grade of intersecting streets. Such triangles shall be established from a distance of:

- A. Sixty (60) feet from the point of intersection of the right-of-way lines of intersecting streets, except that,
- B. Clear sight triangles of one hundred (100) feet shall be provided for intersections with arterial streets. **[Amended 6-20-2011 by Ord. No. 161]**

§ 150-91. Fences, walls and hedges. [Amended 11-12-1991 by Ord. No. 86]

Unless otherwise regulated, fences, walls and hedges may be permitted in any required yard or along the edge of any yard. However, no fence, wall or hedge along the side or front edges of any residential front yard shall be over thirty (30) inches in height and shall not obstruct visibility. A fence in a front yard may be up to forty-eight (48) inches in height if seventy-five percent (75%) of the fence area is open.

§ 150-92. Structures to have access.

Buildings hereafter erected or moved shall be on a lot adjacent to a public street, or with existing access to a public street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

§ 150-93. Water supply and sewage facilities required.

In the interest of protecting the public health, safety and welfare, every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be provided with both a safe and sanitary water supply and a safe and sanitary means of collection and disposal of residential, commercial or industrial sewage. Such facilities shall conform to the minimum requirements set forth by the Department of Environmental Resources.

§ 150-94. Minimum floor and lot area requirements.

Unless otherwise regulated in this chapter, every single-family dwelling hereafter designed, established or erected shall contain a minimum habitable floor area of seven hundred (700) square feet. Existing two-family or multifamily dwellings shall only be expanded or enlarged provided that a minimum lot area of three thousand (3,000) square feet is provided for each dwelling unit located on said property.

§ 150-95. Corner lots. [Amended 9-19-2005 by Ord. No. 137]

See Article II, Terminology, § 150-5, Definitions, "Lot, corner."

§ 150-96. Modification of front yard requirements.

Where an unimproved lot of record is situated between two (2) improved lots, the front yard requirements for the district may be modified so that the front yard may be an average of the adjacent existing front yards. Where an unimproved lot of record is adjacent to one (1) improved lot which was developed prior to the enactment of this chapter, the front yard requirement of the unimproved lot may be reduced to the average of the existing improved lot and the required front yard.

§ 150-97. Animals.

Customary household pets shall be permitted in any district; however, novelty pet kennels and uses involving animal husbandry shall be permitted only as indicated in the appropriate district regulations.

§ 150-98. Dangerous structures.

Upon notification and request by the Zoning Administrator, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin or endangers the safety of children playing thereabouts; such building shall be repaired, altered or removed to eliminate the dangerous conditions. Such improvements shall commence within thirty (30) days and be completed within ninety (90) days of notification by the Zoning Administrator.

§ 150-99. Gasoline pumps and service equipment.

Gasoline pumps, tanks, propane tanks and all other service equipment shall be located not less than thirty-five (35) feet from any lot line and/or road right-of-way line and located such that vehicles stopped for service will not extend over the property line.

§ 150-100. Storage of unlicensed or uninspected vehicles.

Automotive vehicles or trailers of any kind without current, valid license plates and state inspections shall not be parked or stored on any property other than in completely enclosed buildings or properly approved junkyards. Additionally, such vehicles shall not be parked or stored along public streets in any zoning district.

§ 150-101. Major recreational equipment. [Amended 7-14-1992 by Ord. No. 92; 6-26-2006 by Ord. No. 140; 6-20-2011 by Ord. No. 161; 8-17-2020 by Ord. No. 196]

For purposes of these regulations, "major recreational equipment" is defined as including tractor and trailer rigs, together or separately, boats and trailers, travel trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, nonmotorized utility trailers designed to be towed (whether opened or closed) and cases or boxes for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport, an enclosed building, in a rear yard or behind the nearest portion of a building to a street. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use. Additionally, no such equipment shall be parked along public streets in any zoning district for a period exceeding seventy-two (72) hours.

§ 150-102. Mobile home parks and mobile home subdivisions.

All mobile home parks and mobile home subdivisions hereafter erected, established, substantially altered or expanded shall comply with the requirements of Article IX of this

chapter. However, alterations or expansions of said parks or subdivisions shall not require special exception approval before the issuance of a building and zoning permit.

§ 150-103. Exceptions to height limitations. [Amended 1-5-1998 by Ord. No. 115]

The height limitations of this chapter shall not apply to church spires; farm structures, when permitted by other provisions of this chapter (e.g., silos, barns, etc.); belfries, cupolas, penthouses and domes not used for human occupancy; chimneys, ventilators, skylights, water tanks, bulkheads and similar features; communication towers; utility poles and standards; and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and also in accordance with any other applicable governmental regulations.

§ 150-104. Public utilities.

For the purposes of administering this chapter, all principal structures of utility corporations (e.g., sewage treatment plants, electrical power plants, etc.) are exempt from the use limitations of all districts, but not exempt from the requirements for a permit and minimum yards. All accessory, support or maintenance structures not requiring human occupancy are exempt from use limitations but not from permit requirements. Such structures are further required to observe a minimum yard of ten (10) feet from any lot or street line. Fences associated with public utilities may be erected in any yard, provided that a fence in the front yard shall observe any limitations of height unless it is placed at least ten (10) feet from the street line.

§ 150-105. Municipally owned facilities. [Amended 6-20-2011 by Ord. No. 161]

In any district, municipally owned facilities for the purpose of conducting any duly authorized function of the public business may be erected and operated. Such uses are exempt from the lot area, lot width and use restrictions of this chapter.

§ 150-106. Outdoor fuel-burning appliances. [Added 6-20-2011 by Ord. No. 161]

An outdoor fuel-burning appliance as defined herein is permitted upon the following conditions:

- A. All outdoor fuel-burning appliances shall be located on properties containing two (2) acres [eighty-seven thousand one hundred twenty (87,120) square feet] or more and not less than twenty (20) feet from the nearest adjoining property lines.
- B. No outdoor fuel-burning appliance will be permitted to burn any materials other than those fuels approved by the manufacturer of the outdoor fuel burning appliance. Burning of tires, plastics, polyethylene, and garbage is strictly prohibited.
- C. All outdoor fuel-burning appliances shall have a flue or chimney with a minimum termination height of fifteen (15) feet above the natural ground level upon which the outdoor fuel-burning appliance is located.

- D. A building permit shall be required prior to the installation of an outdoor fuel-burning appliance. Prior to issuance of a building permit, the applicant shall provide the manufacturer's installation manuals. Any permit issued may be suspended if necessary to protect the public health, safety, welfare and well-being of residents of North Londonderry Township.
- E. All outdoor fuel-burning appliances installed after January 1, 2011, and prior to being placed into service for use, shall be inspected by the Township's Building Code Enforcement Officer for the purpose of issuing a permit allowing operation of said outdoor fuel-burning appliance. Installation shall comply with manufacturer's specifications.
- F. Operation of said outdoor fuel-burning appliances may be suspended at any time by the Board of Supervisors or its agent if necessary to protect the public health, safety, welfare and well-being of residents of North Londonderry Township.

ARTICLE XVI

Environmental Improvements and Energy Conservation Requirements

§ 150-107. Intent.

The environmental improvements and energy conservation requirements are designed to recognize the need for conservation of energy and natural resources and to facilitate the utilization of renewable resources. Environmental improvements are intended to moderate the effects of solar radiation, conserve energy, improve air quality, reduce glare and noise and control erosion, largely through the planting of trees, shrubs and other vegetative cover. Energy conservation requirements are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce the need for energy dependence by encouraging the productive use of solar and wind energy components.

§ 150-108. Definitions.

The following terms are specifically designed for use within this article:

ACTIVE SOLAR ENERGY SYSTEM — A solar energy system that requires external mechanical power to move collected heat.

DENSE SCREEN PLANTING — A landscaped barrier consisting of predominately [eighty percent (80%) or more] coniferous trees and shrubs, hedges, earth mounding, walls or a combination thereof maintained at a minimum height of six (6) feet. Such environmental buffer shall provide a solid visual, noise and pollutant barrier between potentially incompatible uses. Dense screen plantings shall be at least five (5) feet in width with irregularly spaced double or triple rows of plants and shrubs to obtain a dense, solid mass.

ENERGY STORAGE FACILITY — Equipment consisting of containers, heat exchangers, piping and other transfer mechanisms (including fluids, gases or solids), controls and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

ENVIRONMENTAL IMPROVEMENTS — Screen plantings, dense screen plantings, island plantings and perimeter plantings or such other improvements as may be required by the Board of Supervisors in keeping with this section. **[Added 11-12-1991 by Ord. No. 86]**

INTERIOR ISLAND PLANTING — A durable landscaped planting area located within a vehicular use area or parking lot. Design and location shall provide shade and visual separation of parking and pedestrian areas, improve air quality and control stormwater runoff from large paved areas. An island or strip shall be a minimum of fifty (50) square feet in area, at least five (5) feet in width and contain at least one (1) shade tree per forty (40) linear feet of island or fraction thereof. Islands of forty (40) feet or less shall contain at least one (1) shade tree. The remaining area within the island or strip shall be appropriately landscaped with grass, mulch, stones, plants or other materials not exceeding three (3) feet in height.

PASSIVE SOLAR ENERGY SYSTEM — A solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.

PERIMETER PLANTING — A landscaped planting consisting of trees and shrubs established at less than three (3) feet or greater than six (6) feet in height so as not to interfere with any clear sight triangle. Such planting shall separate streets and vehicular use areas from parking lots, buildings and other interior improvements. Perimeter plantings shall consist of individual trees or shrubs spaced a maximum of fifty (50) feet apart to form a linear vegetative border, with grass or ground cover continuously thereunder.

SCREEN PLANTING — A landscaped planting consisting of a mixture of coniferous trees or shrubs, shade trees, ornamental trees or shrubs, earth mounding, hedges or a combination thereof established at a minimum height of six (6) feet. Such planting shall separate and protect uses from noise, odor and dust, as well as moderating the effects of winter winds and summer heat. Screen plantings shall be at least three (3) feet in width with regularly spaced trees and shrubs to obtain a pervious, moderately dense planting.

SKYSPACE — The open space between a solar or wind collector and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to an extent that would reduce its cost-effective operation.

SOLAR COLLECTOR — A freestanding or fixed device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

SOLAR ENERGY — Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM — A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

WIND ENERGY CONVERSION SYSTEM — A device which converts wind energy to mechanical or electrical supply; commonly referred to as a windmill.

WIND ROTOR — The blades, plus the hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower

along with other generating and electrical storage equipment and forms a wind energy conversion system.

§ 150-109. Environmental improvements.

Environmental improvements shall be required for the following:

- A. To separate commercial, industrial, institutional and other nonresidential uses from adjoining residential uses or residential districts.
- B. Around parking lots with ten (10) or more parking spaces and within the interior of parking lots with twenty-five (25) or more parking spaces, including parking lots expanded beyond these sizes.²⁰

§ 150-110. Solar, wind and alternate energy standards.

The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although the installation of such systems is not mandatory, the following standards apply when such systems are installed:

- A. Active and passive solar systems, wind energy systems and similar alternate energy systems, including customary energy storage accessories, are permitted for the production, collection, movement, distribution or storage of heated air, water or other medium which is intended for conveyance to a principal or accessory building.
- B. Systems may include the following, subject to the requirements contained herein:
 - (1) Solar panels with a combined glazing area of sixty-five (65) square feet or less, provided that:
 - (a) The solar panels shall not extend more than five (5) feet into any required yard when attached to a principal structure.
 - (b) The solar panels shall be a minimum of three (3) feet from any property line, whether freestanding or attached.
 - (2) Solar panels with a combined glazing area in excess of sixty-five (65) square feet, provided that:
 - (a) Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district.
 - (b) Solar panels which are freestanding or attached to an accessory structure shall comply with the accessory structure requirements of the supplementary district regulations of this chapter.
 - (3) Solar greenhouses attached to principal structures shall meet all yard requirements for a principal structure in the applicable zoning district. Solar greenhouses

20. Editor's Note: Original § 103-103, Standards for parking lots, which immediately followed this section, was repealed 6-20-2011 by Ord. No. 161.

attached to accessory structures shall meet all yard requirements specified for accessory structures in the supplementary district regulations of this chapter.

- (4) Detached solar greenhouses shall meet all yard requirements specified for accessory structures in supplementary district regulations of this chapter.
- (5) Wind energy conversion systems, provided that:
 - (a) The structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus fifteen (15) feet from the property line or road right-of-way. The height of such structure shall not exceed seventy-five (75) feet.
 - (b) Towers may be ground- or roof-mounted and shall be securely fastened as per the manufacturer's specifications or a demonstrable equivalent to achieve maximum safety and prevent collapse or fall. Any propeller or turning device that reacts to wind velocity shall have a governor to control the speed of revolutions. Such governors may include a rudder that turns the propeller away from the wind, individually spring-mounted paddles that turn away from the wind or other suitable manufacturer's tested device. Towers shall be locked or secured to prevent unauthorized access, and in no case shall a permanently mounted ladder be affixed less than ten (10) feet from grade level.

§ 150-111. Maintenance and protection standards.

The improvements required and permitted within this article shall be maintained and protected to assure their environmental benefits. The following specific requirements shall apply:

A. Maintenance.

- (1) Plantings. All required plantings shall be maintained in a good condition to present a healthy, neat and orderly appearance. Such plantings shall be kept free from refuse and debris. Plants damaged by insects, disease, vehicular traffic, acts of nature or vandalism shall be replaced by the next planting period.
- (2) Energy systems. Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.

B. Protection.

- (1) Plantings. Required plantings shall not be removed except to facilitate the planting of acceptable replacement plants. Property improvements shall be protected at all times by such environmental plantings, and extensive trimming or pruning of the plantings to reduce or eliminate the protection shall not be permitted.
- (2) Energy systems. Where a solar or wind energy system has been installed, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar or wind system. Such an agreement shall be negotiated between owners of affected properties, but

it is not a requirement for approval of a building and zoning permit for the solar or wind energy system.

§ 150-112. Variances.

The following factors shall be considered, in addition to those within Article XXII of this chapter, when reviewing petitions for variances to the provisions of this article:

- A. Variances shall be granted only for minimum relief and not for purely financial reasons.
- B. Variances to planting requirements shall not request relief from planting height, quality or maintenance.
- C. Variances for energy systems shall allow for effective placement of energy systems, provided that the sky space of adjoining property owners is not restricted.
- D. Variances shall consider the resulting effect on the microclimate on the property.
- E. Variances shall consider possible damage to utilities.

§ 150-113. Plans and permits.

- A. Plans. Plans depicting environmental and energy improvements shall be submitted at the time of application for a building and zoning permit. Information may be included on the required plot plan specified for permit application by this chapter or submitted on a separate plan. In addition to the routine information required for permit application, plans shall include:
 - (1) The location, size and species of existing plant material.
 - (2) Delineation of plants to be removed and plants to be retained.
 - (3) The location, planting size, mature size and species of all plants within required plantings.
 - (4) The proposed treatment of all ground surfaces (e.g., paving, grass, gravel, mulch, stone).
- B. Building and zoning permits. A building and zoning permit shall be required for installation, expansion or alteration of any of the environmental improvements and energy systems described within this article. Applicable procedures for all other permits required by this chapter shall apply during the processing of such permit applications. Where desired, the Zoning Administrator may refer plans to the Soil Conservation Service or to other applicable agencies for review and comment prior to formal action on the permit application.

ARTICLE XVII
Off-Street Parking and Loading

§ 150-114. Intent.

The regulations for off-street parking are intended to ensure that adequate, well-designed parking facilities are provided for all new, altered or expanded buildings and uses. The general intent shall be to require off-street parking spaces, loading and unloading areas and accessways to satisfy the minimum standards contained within this article and prevent overcrowding, congestion and impairment of traffic circulation. The regulations contained herein treat off-street parking as a use accessory to the principal use of the lot either sharing the lot or within a permitted distance therefrom.

§ 150-115. Definitions.

For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

FLOOR AREA — The total area of all the floors measured from the exterior faces of the structure or, where set forth in the schedule in this article, only the floor area employed by a specific use.

PARKING SPACE — An open or enclosed area accessible from a street or alley for parking of motor vehicles for owners, occupants, employees, customers or tenants of the principal structure or use. Each parking space shall be not less than one hundred sixty-two (162) square feet, exclusive of all drives, curbs and turning space. **[Amended 6-20-2011 by Ord. No. 161]**

SEAT — The number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews or the space for loose chairs or similar seating facilities. The spacing of rows shall be thirty (30) inches on center.

§ 150-116. Facilities required. [Amended 6-20-2011 by Ord. No. 161]

Off-street parking facilities, including accessways and loading/unloading areas, shall be required in accordance with the provisions of this article as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use as follows:

- A. Whenever a structure is constructed or a new use established;
- B. Whenever the use of an existing structure is changed to a use requiring more parking facilities; or
- C. Whenever an existing structure is altered or enlarged so as to increase the amount of parking spaces required under this article.

§ 150-117. General requirements.

Off-street parking facilities shall satisfy the following general requirements:

- A. Off-street parking areas shall have safe access to and from a street; however, no portion of any street right-of-way may be used for off-street parking.
- B. Off-street parking spaces shall be designed to prevent maneuvering area necessary to park a vehicle from intersecting a street right-of-way, alley or sidewalk. Parking spaces shall also be designed so that vehicles may have access to and from spaces without moving other vehicles.
- C. Off-street parking spaces shall be readily accessible to and a reasonable distance from the structure and uses served. Such spaces shall be on the same lot as the principal structure or use, except where otherwise permitted by this article.
- D. All parking facilities shall be available to patrons, customers or visitors throughout the hours of operation of the structure or use for which the spaces are provided. Carnivals, displays, promotions or other events held on parking lots shall not utilize parking spaces required for customers. Adequate additional parking spaces shall be available for the supplemental use.
- E. Parking spaces shall be improved and individually delineated in accordance with this article. Additionally, special purpose spaces and areas such as handicapped parking, visitor-only parking, limited-time parking and fire and police spaces shall be clearly marked.
- F. Off-street parking requirements will be considered to be met only when actual spaces meeting the requirements of this article are provided and improved. Parking spaces may not thereafter be reduced below the minimum requirements as long as the principal structure or use remains, unless an equivalent number of spaces are provided for use in another approved location.
- G. Unless otherwise specifically regulated, improved hard-surface off-street parking for all uses shall be limited to portions of the lot as follows:
 - (1) Parking shall not be permitted within the street right-of-way.
 - (2) Required side and rear yards may be used for parking, provided that:
 - (a) A minimum setback of five (5) feet from the property line is maintained in all cases where more prohibitive regulations do not appear herein.
 - (b) Minimum setbacks of forty (40) feet in all commercial districts and one hundred (100) feet in the Industrial District are maintained in all yards abutting a residential district boundary.
 - (3) Loading and unloading areas shall not be permitted in the required front yard.

§ 150-118. Schedule of required spaces.

- A. The minimum number of off-street parking spaces required for a specific use is listed in the following chart. Where appropriate, when computing the number of required parking spaces, the Zoning Administrator may exclude floor area of structures (e.g., storage,

employee lounge, bathroom) which does not bear any relationship to the parking needs of the use. **[Amended 6-20-2011 by Ord. No. 161]**

Structure or Use	Parking Spaces Required
Institutional	
Places of worship	1 space for each 6 seats in principal assembly rooms
Nursing homes	1 space per each 4 guest rooms or apartment units plus 1 space for each employee
Residential	
1- and 2-family dwellings	2 spaces per dwelling unit; must be off-street and may be improved with paving or gravel (if gravel, then paving must be extended from existing street surface to a minimum of 20 feet beyond the right-of-way line)
Multifamily residences (including townhouses and garden apartments)	2 spaces per dwelling unit; must be off-street and shall be improved with paving
Commercial	
Medical and dental offices, clinics, professional offices and banks	1 space per 360 square feet of floor area plus 1 space for each practitioner
Other offices	1 space per 360 square feet of floor area
Motels or hotels	1 space per guest room or unit
Mortuaries	1 space per 360 square feet of assembly rooms
Retail stores, service establishments and shopping centers	1 space per 360 square feet of floor area
Eating places, bars or taverns	1 space per 300 square feet of floor area
Clubs, lodges or other assembly halls	1 space per 4 seats in assembly areas
Indoor theaters	1 space per 4 seats
Dance halls, skating rinks or swimming pools	1 space per 360 square feet of area used for dancing, skating or swimming
Carnivals, racetracks and other outdoor amusement or recreation uses	1 space for each 4 seats or 4 visitors at maximum capacity
Bowling alleys	6 spaces per bowling lane
Service and storage establishments	1 space for every employee on the largest shift
Gas stations, repair garages or auto body shops	1 space per employee plus 1 space per 200 square feet of floor area

Structure or Use**Parking Spaces Required**

Manufacturing plants or other uses permitted in a manufacturing district 1 space for every employee on the largest shift

Executive offices, sales offices and outlet stores 1 space per 360 square feet of executive and sales office floor area in addition to parking requirements for manufacturing areas

- B. Other structures or uses. For a specific structure or use not scheduled, the Zoning Administrator shall apply the measurement in the above schedule deemed to be most similar to the proposed structure or use.²¹

§ 150-119. Access drives.

- A. The location and width of entrance and exit accessways to paved hard-surface parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the accessways on the frontage street shall be at least eighty (80) feet from the right-of-way line of the nearest intersecting street or any other accessway. Where there is more than one (1) accessway to a parking area, the accessways, whenever possible, shall be limited to one-way travel. Entrances and exits shall be limited to three (3) lanes. The width of such entrances and exits, measured at the street right-of-way line, shall conform to the following schedule:

Number of Lanes	Minimum Width (feet)	Maximum Width (feet)
1	12	14
2	20	28
3	30	40

- B. In all cases, the radius of the edge of the accessway apron shall be at least twenty (20) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street. **[Amended 6-20-2011 by Ord. No. 161]**
- C. Whenever lines of parking spaces are opposite each other and separated by continuous paving, such areas shall be a minimum of twenty (20) feet in width.²²

21. Editor's Note: Original § 103-113, Separate- or combined-use facilities, which immediately followed this section, was repealed 6-20-2011 by Ord. No. 161.

22. Editor's Note: Original § 103-115, Loading and unloading spaces, which immediately followed this section, was repealed 6-20-2011 by Ord. No. 161.

§ 150-120. Illumination of parking and loading areas.

Illuminated parking and loading areas shall be so designed and located that the light sources are shielded from adjoining residences and streets and shall not be of excessive brightness nor cause a glare hazardous to pedestrians or drivers.

§ 150-121. Improvements.

All parking areas, loading areas and accessways (except for single- and two-family dwellings; see § 150-118A) shall have an asphalt, concrete or other similar hard surface. Improved hard-surface off-street parking areas for three (3) or more automobiles shall have individual spaces painted or physically delineated with bumper guards, etc. Surface water may not be directly discharged onto public sidewalks, roadways or other premises.

§ 150-122. Approval of plans required.

Detailed drawings of off-street parking and loading areas shall be submitted to the Zoning Administrator for approval prior to their construction. The drawings shall show each space and dimensions of driveways, aisles and other features required under the provisions of this chapter.

ARTICLE XVIII
Signs and Advertising Structures

§ 150-123. Intent.

The purpose of these regulations is to permit signs or advertising structures that will not, by reason of their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, nor endanger public health and safety; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this chapter. Signs may be permitted only when in compliance with these provisions or other ordinances and regulations relating to the erection, construction, reconstruction, enlargement, relocation, placement, alteration or maintenance of signs and similar devices.

§ 150-124. Determination of sign area.

- A. The "area of a sign" shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When a sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn contiguously to encompass all of the letters and symbols.
- B. All double-faced or double-backed signs shall be considered as being one (1) sign, including double-faced V-signs. **[Amended 6-20-2011 by Ord. No. 161]**

§ 150-125. General requirements.

Signs and advertising structures, where permitted under the terms of this chapter, are subject to the following:

- A. No sign shall be erected, constructed, reconstructed, replaced, altered, removed for repair, enlarged or relocated before a permit is obtained from the Zoning Administrator, except that no permit is required by this chapter for the following signs:
- (1) Signs not exceeding two (2) square feet in area and bearing only property numbers, postal box numbers or names of the occupants of the premises.²³
 - (2) Legal notices, official traffic signs, community facilities signs, municipality identification signs, noncommercial historical or geographical identification information or directional signs erected by government bodies. Such signs may be placed within the road right-of-way.
 - (3) Geographical identification and greeting signs erected by civic and service organizations, provided they do not exceed twenty (20) square feet in area and are comprised of the organization's standard emblem or seal. **[Amended 6-20-2011 by Ord. No. 161]**
 - (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
 - (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 - (6) Temporary signs as described in this article.
 - (7) Signs identifying agricultural products shall not exceed ten (10) square feet of area. **[Amended 6-20-2011 by Ord. No. 161]**
 - (8) Hunting, fishing and trespassing signs and signs indicating private ownership of roadways or property, provided that such signs do not exceed four (4) square feet in area, and when erected along street frontage, the signs shall be spaced at intervals of not less than one hundred (100) feet.²⁴
 - (9) On-site signs erected by publicly owned facilities (i.e., North Londonderry Township, Palmyra Area School District, Palmyra Area Recreation and Parks Commission, and the like.) **[Amended 9-19-2016 by Ord. No. 180]**
- B. Every sign shall be maintained in a safe, presentable and structurally safe condition at all times, including the replacement of defective parts, painting, repainting, cleaning or other acts required for the maintenance of said sign. The Zoning Administrator shall require such maintenance, and in the event that the sign owner fails to comply, the Zoning Administrator shall proceed against the owner with remedies as provided by this chapter.

23. Editor's Note: Original § 103-121A(2) regarding flags and government insignia, which immediately followed this subsection, was repealed 6-20-2011 by Ord. No. 161.

24. Editor's Note: Original § 103-121A(10), regarding public utility signs, which immediately followed this subsection, was repealed 6-20-2011 by Ord. No. 161.

A sign which pertains to a time, event purpose or use which is no longer relevant or has been abandoned or changed, shall be removed by the owner of the sign or the owner of the premises upon which the sign is located.

- C. No signs shall be so illuminated as to cast a glare upon vehicular traffic. No sign shall be so illuminated as to constitute a nuisance. **[Amended 6-20-2011 by Ord. No. 161]**
- D. No sign shall be higher than thirty (30) feet from the average grade near the base to the highest part of the sign. **[Amended 9-19-2016 by Ord. No. 180]**
- E. No sign shall be erected so as to obstruct entrance to or exit from a required exitway such as a door, window or fire escape.
- F. No sign shall be erected that screens traffic signals or signs or utilizes red, green or amber lights or reflecting material that creates a flashing action and is so located as to obstruct view to a traffic sign or signal. A sign which resembles an official traffic sign or signal by way of its appearance or content shall be prohibited.
- G. Unless otherwise provided, no signs shall be painted, pasted or affixed to any utility pole, hydrant, bridge, sidewalk, curb or street. **[Amended 6-20-2011 by Ord. No. 161]**
- H. Unless otherwise provided, no portion of any sign shall be erected within or placed on an existing structure in the road right-of-way. Additionally, no portion of any sign shall be erected in that portion of a lot known as the "clear sight triangle" as defined in the supplementary district regulations.
- I. Unless otherwise provided, all signs shall be on-premises, and no sign shall be erected before a permit has been secured from the Zoning Administrator and approval has been received from other applicable state or local agencies.
- J. No sign shall contain obscene material.

§ 150-126. Signs permitted in all districts.

The following signs are permitted in all zoning districts:

- A. Temporary signs which do not require a permit:
 - (1) Temporary signs of painters, mechanics, contractors, realtors and the like not exceeding a total of sixteen (16) square feet in area, provided that such signs are removed as soon as the work has been completed.
 - (2) Temporary signs and banners of a noncommercial nature across a public right-of-way, provided that:
 - (a) Permission is obtained from the Township Supervisors via the Manager;
 - (b) They are erected in a location which will not cause a traffic hazard;
 - (c) They are installed safely and securely and are maintained; and
 - (d) They are removed when the use to which they refer is completed.

- (3) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization. Such signs shall not exceed sixteen (16) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.
 - (4) Temporary signs directing patrons, members, audiences or customers to temporary exhibits, shows, events or activities (e.g., yard sales, conventions, etc.). Such signs shall not exceed sixteen (16) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.
 - (5) Signs erected in conjunction with a political election, provided that all signs are removed within forty-eight (48) hours after the date of the election.
- B. Off-premises directional signs which require issuance of a permit. Off-premises directional signs which are used to direct patrons, members, audiences, customers or clients to service clubs, churches or commercial, industrial, institutional or other organizations may be erected subject to the following requirements:
- (1) A sign shall indicate no more than the name of the organization and the direction to the facility.
 - (2) Except at intersections, no sign shall be placed within two hundred (200) feet of another sign associated with the same principal use.
 - (3) All signs shall be placed within two (2) miles of the use and no more than six (6) signs for each principal use may be erected within the borders of the Township.
 - (4) Signs shall not exceed four (4) square feet in area, and no moving parts or illumination may be permitted.
 - (5) Application for off-premises directional sign permits shall include a map indicating locations of placement requests and the landowner's written approval, the name to be placed on the sign and the distances from the facility to each sign.
- C. One (1) nameplate for a home occupation, provided that the sign does not exceed four (4) square feet in size and identifies only the name of the occupant and title of the occupation. A lighted sign shall be illuminated without objectionable glare.
- D. One (1) institutional sign and/or one (1) bulletin board for places of worship, schools, hospitals, libraries, museums, social clubs and similar uses, provided that the total area for both sign and bulletin board does not exceed thirty-two (32) square feet in area and is located no closer to a road right-of-way than two (2) feet. A lighted sign or board shall be illuminated without objectionable glare. Each street frontage of a corner lot is entitled to the above-named allowance.
- E. Subdivision signs.
- (1) Temporary. A sign advertising lots for sale, giving prices, dimensions, services, etc., and which shall be removed within thirty (30) days of the sale date of the last lot.

- (2) Permanent. A sign containing only the name of the development or subdivision and designed to be permanently affixed to the land.
- (3) One (1) sign per entrance to a subdivision is permitted, provided that the sign is placed at an entrance to the subdivision, is located on the property to be subdivided and does not exceed twenty-four (24) square feet in area. No portion of any sign shall be erected within the clear sight triangle, as defined in the supplementary district regulations. **[Amended 6-20-2011 by Ord. No. 161]**

§ 150-127. Signs permitted in Retirement Residential Districts. [Added 2-9-1993 by Ord. No. 93]

The following types of on-premises signs may be permitted in the Retirement Residential Districts unless otherwise prohibited:

- A. One (1) institutional sign for each main entrance, provided that each sign does not exceed thirty-two (32) square feet in area for each side and is located no closer to a road right-of-way than ten (10) feet. A lighted sign shall be illuminated without objectionable glare.
- B. On-campus directional signs.
- C. Signs permitted in all districts.

§ 150-128. Signs permitted in residential districts.

The following types of on-premises signs may be permitted in residential districts unless otherwise prohibited:

- A. Signs for the advertisement of agricultural businesses as follows:
 - (1) For each property involved in agribusiness, one (1) sign may be erected, provided that no sign or portion thereof shall be located closer than two (2) feet to the road right-of-way in addition to the following:
 - (a) Wall or projecting sign. The maximum sign area may not exceed sixteen (16) square feet.
 - (b) Freestanding sign. The maximum sign area may not exceed twenty-five (25) square feet.
- B. Signs for nonconforming commercial or industrial uses as follows:
 - (1) For each property involved in a commercial or industrial use, a total sign area of fifty (50) square feet may be permitted. No sign or portion thereof shall be located closer than ten (10) feet to the road right-of-way.
 - (a) Projecting sign. The maximum sign area may not exceed sixteen (16) square feet.
 - (b) Freestanding sign. The maximum sign area may not exceed twenty-four (24) square feet.

- (c) Wall or window sign. The maximum sign area may not exceed sixteen (16) square feet.

C. Signs permitted in all districts.

§ 150-129. Signs permitted in commercial and industrial districts. [Amended 6-20-2011 by Ord. No. 161]

Only on-premises signs may be permitted, except for certain off-street signs as provided in this article. All wall, projecting, roof or freestanding signs must be erected in compliance with the following standards:

- A. Signs for the advertisement of agribusiness as permitted by this article.
- B. Signs for commercial, office, institutional and industrial uses as follows:
 - (1) Wall signs, provided they are attached to the wall of the principal buildings and project horizontally not more than twelve (12) inches therefrom and occupy no more than twenty-five percent (25%) of the total area of the front wall of the principal building. They may not project more than three (3) feet above the roofline or parapet wall. **[Amended 2-18-2020 by Ord. No. 193]**
 - (2) One projecting or roof sign for each road frontage, provided that it does not project beyond a vertical plane two (2) feet inside the road right-of-way line and does not exceed one hundred (100) square feet in area.
 - (3) One (1) freestanding sign for each road frontage, provided that it does not exceed sixty (60) square feet in area. It may not extend nearer to the road right-of-way line than a distance of two (2) feet and may not exceed thirty (30) feet in height. **[Amended 9-19-2016 by Ord. No. 180]**
- C. "Signs, advertising" structures are permitted in the Highway Commercial District only. **[Added 9-19-2016 by Ord. No. 180²⁹]**
 - (1) The maximum area for one (1) sign shall be three hundred (300) square feet with a maximum height of thirty (30) feet.
 - (2) No two (2) structures shall be spaced less than five hundred (500) feet apart. The distance between sign structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the traveled way.
 - (3) "Sign, advertising" may include electronic digital display face(s) and shall conform to all other current Pennsylvania Highway Beautification Manual requirements.

29. Editor's Note: This ordinance also provided for the renumbering of former Subsections C through F as Subsections D through G.

- D. Shopping center signs. General shopping district or shopping center identification signs, provided that they are freestanding and not attached to any building. A maximum of two (2) such signs may be permitted for any one (1) general shopping district or center. The height of signs may be a maximum of fifty (50) feet measured from the ground, and the maximum size of the sign message may not exceed five hundred (500) square feet per sign.
- E. Commercial signs within shopping centers. Individual commercial uses within shopping centers are intended by this article to be exempt from the maximum total of this section. This exemption applies only to wall, projecting and roof signs. Such uses are restricted by the size limitations for each of the types of signs listed in this section.
- F. Electronic signs and message boards with a display area no greater than fifty (50) square feet, limited to one (1) such sign for a shopping center. For individual commercial uses, such signs may be freestanding or attached to a wall, but in no case may more than one (1) sign be utilized.
- G. Signs permitted in all districts.

§ 150-130. Nonconforming signs. [Amended 11-12-1991 by Ord. No. 86; 5-15-2017 by Ord. No. 181]

Any sign legally erected, constructed, replaced, altered, enlarged or relocated before the effective date of this chapter that would not be permitted under the terms of this chapter may remain and continue to be used, maintained and repaired, provided that:

- A. A nonconforming sign may be replaced, altered, relocated, or reconstructed, provided the size of the new sign is equal to or less nonconforming than the original sign.
- B. A nonconforming sign may be used, maintained and repaired subject to the following requirements:
 - (1) Maintenance and repair of a nonconforming sign is allowable when such activities are necessary to maintain the sign in a presentable condition. Maintenance and repair activities may include replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. If a nonconforming sign is removed for any of the allowable activities and is not reerected within sixty (60) days, it shall lose its nonconforming status.
 - (2) Nothing in this chapter may prohibit the change in the advertising, identifying or directional message of a nonconforming sign. If the message change requires removal of the sign, the time limit of sixty (60) days to reerect shall apply as given above.
 - (3) A nonconforming sign which has been damaged or destroyed by fire, explosion, accident or calamity shall be repaired in place; or, if damaged to an extent that requires removal, may be repaired and replaced, provided that:
 - (a) The repaired sign is virtually unchanged, except for building materials and message, or is less nonconforming than the original sign.
 - (b) Repair is completed within sixty (60) days from the date of damage. Failure to repair within sixty (60) days shall result in the loss of nonconforming sign status, and any replacement sign shall conform to all applicable chapter requirements.
- C. A nonconforming sign which pertains to a time, event, purpose or use which is no longer relevant or has been abandoned or changed shall be removed by the owner of the sign or the owner of the premises upon which the sign is located.
- D. Proposed signs that are associated with a nonconforming use shall conform to the regulations of the district in which the sign is located.

§ 150-131. Enlargement of permitted sign.

An applicant may seek permission of the Zoning Hearing Board through the process of a special exception to enlarge the area of a sign which is otherwise permitted by the terms of this article. The applicant shall demonstrate to the Board that the permitted area does not provide the effect or visibility that it is reasonable to expect for the sign and the use to which it refers.

ARTICLE XIX

Nonconforming Lots, Uses and Structures**§ 150-132. Intent; construal of provisions.**

- A. Within each zoning district established by this chapter or its amendments there exist; lots; uses of land; structures; and uses of structures or of land and structures in combination which were lawful prior to the enactment or amendment of this chapter, but which would be prohibited, regulated or restricted under the terms of this chapter and which are hereinafter referred to as nonconforming. It is the intent of this chapter to allow these nonconformities to remain or continue until they are brought into compliance. It is further the intent of this chapter that:
- (1) The presence of existing nonconformities does not constitute grounds for the addition of structures or uses in the same district which are not permissible by right; and
 - (2) Extension or enlargement of a nonconforming use by the addition of uses not normally accessory to the existing nonconforming use is not permissible.
- B. Nonconforming uses are declared by this chapter to be incompatible with the permitted uses of a district. A nonconforming use of structure, land or structure and land in combination may be extended or enlarged only as provided herein.
- C. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of enactment or pertinent amendment of this chapter and upon which actual construction has been carried on diligently. Additionally, where excavation, demolition or removal of an existing structure has begun preparatory to rebuilding, such activities shall be deemed actual construction, provided that work is carried on diligently.

§ 150-133. Nonconforming lots of record.

- A. Following the effective date of this chapter, a permissible principal structure and customary accessory structures may be erected upon a single nonconforming lot of record. The lot may be used even if deficient in area or width or both, and it must be in separate ownership from adjoining lots. Compliance with other requirements of this chapter is not exempted.

- B. If two (2) or more contiguous nonconforming lots held under single ownership have been duly approved by the Township Supervisors and are on record in the office of the Recorder of Deeds of Lebanon County for no more than three (3) years before the date of adoption of this chapter, such lots may be developed, as recorded, provided that yard dimensions and requirements other than those applying to area or width shall conform to the regulations for the district in which such lots are located.
- C. If two (2) or more contiguous nonconforming lots held under single ownership have been duly approved by the Township Supervisors and are on record in the office of the Recorder of Deeds of Lebanon County for more than three (3) years before the date of adoption of this chapter, such lots may be developed, provided that:
 - (1) The lot area and lot width of all lots is seventy-five percent (75%) or more of the required lot area and width.
 - (2) All yard, lot coverage and other applicable requirements of the district can be satisfied.
 - (3) Contiguous nonconforming lots which cannot satisfy requirements of Subsection C(1) and (2) of this section shall be combined, enlarged or resubdivided to satisfy the requirements of Subsection C(1) and (2).
- D. No portion of a nonconforming lot shall be sold or used in a manner which further diminishes compliance with the lot area and lot width requirements of this chapter, nor shall a portion of a conforming lot be sold or used in a manner which creates a nonconforming lot.

§ 150-134. Nonconforming uses.

Where lawful use of land exists at the date of enactment of this chapter which would not be permitted by the regulations imposed by this chapter, and where such use involves no principal structure, the use may be continued, provided that:

- A. No such nonconforming use of land may be resumed if it has been: abandoned as indicated by the removal of all or substantially all physical evidence of its existence; abandoned by discontinuance for a period of one (1) year as indicated by the lack of discernable activity at the premises and the failure of the proprietor to display documentation satisfactory to the Zoning Administrator that the use is active; or superseded by the presence of another activity allowed in the district, whether or not required to be issued a permit. The use is formally abandoned when so declared to the owner and proprietor by written notice from the Zoning Administrator.
- B. The use may not be expanded by the erected of a principal structure if none was present on the date of adoption of this chapter.
- C. No valid nonconforming use of land may be expanded across lot or tract lines or across street right-of-way lines onto other lands of the proprietor after the enactment of this chapter.

§ 150-135. Nonconforming structures.

A lawful structure existing at the effective date of adoption of this chapter that could not otherwise be built due to restrictions on lot coverage, height, yards, its location on the lot or other requirements concerning the structure may remain, subject to the following provisions:

- A. A structure may be enlarged or extended to continue an existing, established nonconforming building line, provided that the addition conforms to other applicable yard, lot coverage and height requirements as found herein.
- B. A nonconforming structure or portion thereof may be extended along established, existing building lines, provided that:
 - (1) The extension meets all other applicable yard, lot coverage and height regulations.
 - (2) Extension or enlargement along the nonconforming setback line shall be limited to a maximum one-hundred-percent increase of the area of land covered by the portion of the structure which is in a nonconforming position. Extension or enlargement in a conforming manner is not subject to the one-hundred-percent limitation. No permit may be issued for any extension that causes the nonconforming structure to become more nonconforming.
- C. A nonconforming structure which has been damaged or destroyed to any extent by fire, explosion, accident or calamity may be repaired or reconstructed, provided that:
 - (1) The rebuilt structure is unchanged from its original size or location, or is less nonconforming than the original structure.
 - (2) Repair or reconstruction is commenced within one (1) year from the date of damage or destruction and completed within eighteen (18) months. Failure to repair or reconstruct within the above period shall result in loss of nonconforming rights, and any successive structure shall conform to all applicable chapter requirements.
- D. A nonconforming structure which has been demolished or destroyed to any extent by deterioration or removal shall not be reconstructed or structurally replaced, except for any conforming portions of that nonconforming structure, which may be replaced.
- E. Should a nonconforming structure be moved for any reason, the following apply:
 - (1) Relocation on part of the same land area previously covered by the structure shall equal or decrease the nonconformity; or
 - (2) Relocation to the previously unoccupied area shall conform to all applicable chapter requirements.

**§ 150-136. Nonconforming uses of structures or land and structures in combination.
[Amended 7-15-2024 by Ord. No. 200]**

If lawful use involving principal structures or land and structures in combination exists at the effective date of adoption of this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following:

- A. Abandonment of a nonconforming use of a structure (or a land/structure combination) ends that nonconforming status so that the nonconforming use of record may not thereafter be reestablished. Successive uses of the premises are required to conform to pertinent regulations herein. Abandonment is deemed to occur when the nonconforming use is:
 - (1) Superseded by another use, the owner's intent to abandon being taken by such action regardless of whether procedures prescribed by this chapter were begun.
 - (2) Ceased by a discontinuance of the use for a period of one (1) year as evidenced by but not limited to the following characteristics documented at the beginning and throughout the year of observing the premises:
 - (a) Removal of signs.
 - (b) Buildings fallen into disrepair.
 - (c) Failure to meet tax obligations.
 - (d) Lack of discernable activity on the premises as compared to the activity on premises of similar use.
 - (e) Failure to supply supporting information to the Zoning Administrator to document ongoing activity in the nonconforming use.
- B. Enlargement of either the structure containing the nonconforming use or the land used in conjunction with the use is limited to the lot or tract upon which the use is located, or another lot or tract which:
 - (1) Is contiguous to the lot where the nonconforming use is located.
 - (2) Is now and has been held in the same ownership as the lot where the nonconforming use is located since prior to the enactment of this chapter.
 - (3) Does not contain a principal use.
 - (4) Is not separated from the lot where the nonconforming use is located by a street right-of-way.
- C. Any nonconforming use of a structure (or land and structure in combination) may, as a special exception, be changed to another nonconforming use, provided that the Zoning Hearing Board finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Zoning Hearing Board approval shall not be required when changing a nonconforming professional office use to another nonconforming professional office use with an equal or lesser number of practitioners. Professional offices is defined in § 150-5 of this chapter.

- D. Where valid nonconforming status applies to the use of a structure (or land and structure in combination), the owner's willful and voluntary destruction of that structure revokes the nonconforming status, and it may not be resumed. A structure destroyed or damaged by causes which are not the voluntary actions of the owner may be replaced or restored within one (1) year of the damage.

§ 150-137. Classification of special exceptions.

A use which is present at the enactment of this chapter and which is permissible as a special exception in its district is hereafter classifiable as a permitted use. Where express conditions and criteria are attached to the approval of such use as a special exception, the same are necessary for any change, expansion or enlargement as part of the permit review process.

§ 150-138. Nonconforming signs. [Amended 11-12-1991 by Ord. No. 86]

A sign legally erected, constructed, replaced, altered, enlarged or relocated before the effective date of this chapter which does not conform to applicable standards of this chapter is a nonconforming sign. Following the effective date of this chapter, no work may be done to the sign unless it conforms to pertinent requirements of the sign regulations in this chapter.

ARTICLE XX

Administration and Enforcement

§ 150-139. Zoning Administrator.

- A. A Zoning Administrator designated by the Township Supervisors shall administer and enforce this chapter. He may be provided with the assistance of such other persons as the Township Supervisors may direct. The Zoning Administrator shall administer the Zoning Ordinance in accordance with its literal terms. He shall not have the power to permit any construction, use or change of use which does not conform to the Zoning Ordinance.
- B. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the actions necessary to correct them. He shall have the authority to order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings, signs or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work in progress; or any other action provided by this chapter to ensure compliance with, or prevent violation of, its provisions.

§ 150-140. Enforcement notice. [Amended 7-14-1992 by Ord. No. 92]

- A. If it appears to the municipality that a violation of any zoning ordinance enacted under this Act³⁰ or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. 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.
- C. An enforcement notice shall state at least the following:

30. Editor's Note: The words "this Act" refer to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101.

- (1) The name of the owner of record and any other person against whom the municipality intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 150-141. Permit requirements.

No building, structure, sign or land may be erected, constructed, reconstructed, altered, converted, removed, moved, added to, used or the use therein changed unless and until a building and zoning permit is obtained from the Zoning Administrator. The permit requirements apply to all permanent, temporary, seasonal, part-time or movable buildings, structures, signs or uses unless exempted elsewhere in this chapter. No building and zoning permit may be issued by the Zoning Administrator except in conformity with the provisions of this chapter, unless he receives a written report from the Zoning Hearing Board in the form of an administrative review, special exception or variance as provided by this chapter granting authority to so issue.

§ 150-142. Application for building and zoning permit.

Applications for a building and zoning permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, who shall be known hereinafter as the applicant. Applications shall be submitted to the Zoning Administrator and contain the following:

- A. Building and zoning permit application form. On a form supplied by the Zoning Administrator, the applicant shall provide information to describe the size, location and nature of the proposed building, structure or use. The applicant shall sign the application form to verify the accuracy of the information.
- B. Plot plan. All applications for a building and zoning permit shall be accompanied by a plot plan in accordance with the following:
 - (1) Three (3) copies of the plot plan shall be submitted, or an eight-and-one-half-by-eleven-inch plot plan is acceptable, provided that it is suitable for photocopying.

- (2) The plot plan shall show, as applicable, the size, shape and dimensions of the lot; the size and location of all existing buildings; the size, location and use of all proposed buildings, additions or alterations; parking lots, parking spaces, driveways, signs and other site improvements; and other information as may be necessary to determine conformance with this chapter.
 - (3) Engineering, architectural or surveyor's plans may be required by the Zoning Administrator where necessary to accurately depict the proposed work on a property.
 - (4) The Zoning Administrator, at his discretion, may waive the plot plan requirement where the applicant successfully demonstrates that minimum standards are greatly exceeded.
- C. Other permit prerequisites. At the time of application, the applicant shall produce, as applicable, a valid on-site sewage disposal permit, road encroachment permit, recorded subdivision plan or other necessary approval preliminary to issuance of the building and zoning permit.
- D. Application fee. All applications for a building and zoning permit shall be accompanied by a fee in accordance with the current schedule of fees adopted by resolution by the Township Supervisors.

§ 150-143. Incomplete applications.

When an applicant fails to complete and sign the building and zoning permit application form; submit a plot plan; pay the required application fee; secure and produce other permit prerequisites; or submit other information required by the Zoning Administrator, the application for a building and zoning permit shall be deemed incomplete. The Zoning Administrator shall notify such applicants whose applications are incomplete to submit the necessary supplemental information. Such notice shall prescribe a reasonable period of time to complete the application or to respond with reasons why the application should be held open. Failure to complete the application or to respond shall result in written disapproval, in accordance with procedures as given in this article.

§ 150-144. Approval or disapproval of permit application.

After an application has been determined to be complete, the Zoning Administrator shall take official action to approve or disapprove the permit application in accordance with the following:

- A. Approval. When a completed application is found to conform to the provisions of the Zoning Ordinance, the Zoning Administrator shall issue an approved building and zoning permit. Issuance of the permit shall be accompanied by an approved plot plan, where applicable, and a placard for display on the premises during the construction or alteration period. Building and zoning permits are nontransferable and are valid for work authorized therein and for the owner and property so designated.

- B. Disapproval. When a completed application is found not to conform to the provisions of the Zoning Ordinance, the Zoning Administrator shall disapprove the application for a building and zoning permit. Plot plans submitted with the application shall also be disapproved. The disapproval shall be in writing, citing the deficiencies of the application. Appeals from a disapproval by the Zoning Administrator shall be taken in the manner set forth in Article XXII of this chapter.

§ 150-145. Revocation of permit.

- A. Building and zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans. A building and zoning permit shall be revoked, in writing, by the Zoning Administrator for any of the following reasons:
- (1) When use, alteration or construction does not comply with or exceeds the scope of that authorized by the building and zoning permit;
 - (2) When information pertinent to the application for a building and zoning permit has been falsified or misrepresented;
 - (3) When other provisions of this chapter are violated in conjunction with the use, alteration or construction authorized by the building and zoning permit; or
 - (4) When a decision to approve a permit by the Zoning Administrator was done in error.
- B. A written revocation of the permit shall be provided to the applicant, indicating the reasons for such action. Additionally, the offenses shall subject the violator to the penalties provided by this chapter if not corrected.

§ 150-146. Expiration of permit.

- A. An approved building and zoning permit shall expire:
- (1) If the work described has not begun within ninety (90) days from the date of issuance; or
 - (2) If the work described has not been completed within two (2) years from the date of issuance.
- B. Upon the expiration of a building and zoning permit, the work shall cease, and it may not commence unless and until a new building and zoning permit is approved.

§ 150-147. Certificate of zoning compliance.

- A. The Zoning Administrator shall maintain certificate of zoning compliance forms which shall be used as follows:

- (1) Nonconformities. The Zoning Administrator shall, in conjunction with the proposal of an applicant, register nonconforming lots, structures, uses of land or of structures and land in combination in order to record wherein each differs from the provisions of this chapter. Authorization to renew, change, extend, enlarge or alter the nonconformity may not be permitted unless and until the characteristics of the nonconformity are recorded on a certificate. The Zoning Administrator may require written documentation contemporaneous to the time before enactment of this chapter to verify these characteristics and the dates of their establishment.
 - (2) Approved uses and structures. Owners or occupants of uses or structures authorized by approved building and zoning permits may request a certificate of zoning compliance to verify that the use or construction completed is in compliance with the approved permit and the provisions of this chapter. Similarly, owners or occupants of preexisting conforming uses or structures may request a certificate of zoning compliance. Upon receipt of such a request, the Zoning Administrator shall inspect the premises and approve or disapprove a certificate of zoning compliance.
- B. Nothing contained in this section shall preclude the Zoning Administrator from conducting, at his discretion, routine inspections and investigations to determine zoning compliance, nor is he prevented from responding to complaints of zoning violations. Furthermore, departures from the characteristics described on a certificate which violate provisions of this chapter shall be punishable in accordance with penalties as provided herein.

ARTICLE XXI

Zoning Hearing Board

§ 150-148. Board established; membership.

- A. A Zoning Hearing Board shall be established. The membership of the Board shall consist of three (3) residents of the Township appointed by the Township Supervisors. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall notify the Township Supervisors promptly of any vacancies. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the municipality.
- B. The Township Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to provisions of this article, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including the right to cast a vote during the proceedings, and shall have all the powers and duties set forth in this chapter and Act 247, as amended.²⁶ Alternates shall hold no other office in the municipality.

²⁶. Editor's Note: See 53 P.S. § 10101 et seq.

§ 150-149. Organization; rules; records to be kept.

- A. From its own membership the Board shall elect its officers, who shall serve annual terms and may succeed themselves. For the conduct of a hearing or the taking of an official action, a quorum shall be not less than a majority of all the members of the Board; however, the Board may appoint a Hearing Officer from its own membership to conduct a hearing on its behalf, and the parties may waive further action as provided in this article.
- B. If a quorum is not reached by reason of absence or disqualification, the Chairman shall seat as many alternate members as are needed to provide a quorum. Alternate members shall continue to serve on the Board in all proceedings for which the alternate was appointed until a final determination has been made. The seating of alternates shall be done on a case-by-case basis in rotation according to declining seniority among alternates.
- C. The Board may make and rescind rules and forms for its procedure consistent with ordinances of the Township and the laws of the commonwealth. The Board shall keep records of its business, such records being the property of the Township, and shall report its activities to the Township Supervisors as requested.

§ 150-150. Removal of members.

A Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the 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.

ARTICLE XXII
Jurisdiction and Procedures

§ 150-151. Authority.

The Zoning Hearing Board and the Supervisors shall have the authority to hear and decide petitions as provided by the Act²⁷ where their respective jurisdictions are exclusive and final. These areas of jurisdiction are listed in this article and are fully enumerated in the Act, as are the procedures by which hearings shall be held. Additional procedures not listed but within the intent of the Act and other applicable ordinances and laws of the commonwealth are reserved to each respective body.

§ 150-152. Hearings.

- A. A written petition shall be submitted by the applicant on a form to be provided by the Zoning Administrator. For the purpose of describing these procedures, the word "applicant" shall include "appellant," and the word "petition" shall include "appeal." The petition shall specify at least the applicant's name and address, the property location, the

27. Editor's Note: See 53 P.S. § 10101 et seq.

type of petition, a brief description of the circumstances that cause the petition to be necessary and the reasons why the petition ought to be granted. The petition shall be considered complete when, along with the above information, a fee is submitted in the amount set by resolution by the Supervisors.

- B. Public notice as defined by this chapter shall be given, and written notice shall be provided to the applicant, Township officials, interested parties and property owners adjoining the affected property or within one hundred (100) feet. In addition, written notice shall be conspicuously posted on the affected property at least one (1) week prior to the hearing. Times and dates of continued hearings shall be promulgated only as necessary to inform interested parties.
- C. The public hearing shall be held within sixty (60) days of the date of the petition, unless the applicant has agreed, in writing, to an extension of time.
- D. The parties to the hearing shall be the Township, any person affected by the petition who has made timely appearance of record before the Board, and any other person, including civic or community organizations. The Board may supply forms and require persons to enter appearances, in writing, in order to become parties.
- E. The hearing shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the applicant, in addition to the municipality, may, prior to the decision, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- F. The Chairman, Acting Chairman or 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.
- G. Parties shall have the right to be represented by counsel and have the right to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- H. The Board or the Hearing Officer shall keep a tape record, or a stenographic record, if requested, of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid either by the Board, if the Board or Hearing Officer orders the transcript; the person appealing from the decision of the Board; or the party requesting the original transcript. The cost of additional copies of the original shall be paid by the person requesting such copies.
- I. The 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 communications, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded the 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 representatives unless all parties are given opportunity to be present.

- J. The Board or the Hearing Officer shall render a written decision or findings, if no decision is called for, within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the petition is contested or denied, the decision shall be accompanied by findings of fact, related conclusions with reference to the provisions of law relied upon and the appropriate reasons for arriving at those conclusions. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period named above or fails to hold the hearing within sixty (60) days from the date of the applicant's request, 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 deemed to be rendered in favor of an applicant because of the Board's failure to meet or render a decision on time, the Board shall give public notice of said decision within ten (10) days of the last day it could have met to so act. If the Board fails to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the petition to appeal the decision to a court of competent jurisdiction.
- K. A copy of the decision or findings, where no decision is called for, 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 names and addresses with the Board not later than the day of the last hearing, the 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.

§ 150-153. Jurisdiction of Zoning Hearing Board.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Supervisors as curative amendments.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleging defects in the process in enactment or adoption, such challenges to be appealed within thirty (30) days of the effective date of said ordinance.
- C. Appeals from the determination of the Zoning Administrator, including but not limited to granting, denial or failure to act upon an application for a permit; the issuance of a cease and desist order; or the registration or refusal to register a nonconforming use, structure or lot.

- D. Appeals from a determination by the Township Engineer or the Zoning Administrator with reference to the administration of floodplain regulations contained in this or other Township ordinances affecting land use.
- E. Petitions for variances from the terms of this chapter or from a flood hazard ordinance regulating land use, should such regulations ever be enacted separately, following guidelines enumerated below in this article.
- F. Petitions for special exceptions under this chapter or a flood hazard ordinance regulating land use, should such regulation be enacted separately, following guidelines enumerated below in this article.
- G. Appeals from the determination of the Zoning Administrator or that officer or agency which shall be charged with the responsibility to administer transfers of development rights or performance density provisions under this chapter.²⁸
- H. Appeals from the determination of the Township Engineer or Zoning Administrator in the determination of land use regulations with reference to sedimentation and erosion control and stormwater management when such regulations are not within the scope of the reviews conducted for subdivisions and land development plans or planned residential developments, as enacted. When such regulations are within the scope of those reviews, appeal is taken to the Supervisors pursuant to the enumerated jurisdictions of the Supervisors in this article.
- I. Appeals from the determination of the Supervisors with reference to the grant or denial of a special encroachment permit for buildings onto areas reserved for streets, watercourses or public grounds on the Official Zoning Map.²⁹

§ 150-154. Jurisdiction of Board of Supervisors.

The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Applications for approval of subdivisions and land development.
- B. Applications for curative amendments.
- C. Applications for amendments to the Zoning Ordinance.
- D. Appeals from the determination of the Zoning Administrator or the Township Engineer in the administration of provisions of law with reference to sedimentation and erosion control and stormwater management insofar as those provisions are within the scope of applications under the subdivision and land development regulations, as enacted. When not within such scope, the appeal is taken to the Zoning Hearing Board pursuant to the enumerated jurisdictions of the Zoning Hearing Board named above in this article.

28. Editor's Note: Original Subsection H, concerning appeals from the Zoning Administrator under the preliminary opinion procedure, which immediately followed this subsection, was repealed 7-14-1992 by Ord. No. 92.

29. Editor's Note: The Official Zoning Map is on file and available for inspection in the Township offices.

- E. Applications for special encroachment permits by buildings onto areas reserved on the Official Zoning Map for streets, watercourses or public grounds.

§ 150-155. Judicial remedies.

Nothing in this article shall be construed to deny any person the right to appeal directly to a court where appropriate pursuant to the Pennsylvania Rules of Civil Procedure.

§ 150-156. Variances.

- A. The Zoning Hearing Board shall hear and decide petitions for variances from the terms of this chapter where, owing to unique circumstances, a literal enforcement of the provisions of this chapter would inflict unnecessary hardship upon an applicant. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
- (1) 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.
 - (2) 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.
 - (3) That such unnecessary hardship has not been created by the applicant.
 - (4) 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.
 - (5) 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.
- B. In granting a variance, the Board may attach reasonable conditions and safeguards as it deems necessary to implement the purposes and intent of this chapter.

§ 150-157. Special exception uses.

The Zoning Hearing Board shall hear and decide petitions for special exceptions when authorized in this chapter according to express standards and criteria as applicable. In addition to such standards, findings shall be made on the following criteria, where relevant:

- A. A special exception use shall satisfy all requirements and conditions specified for it plus other pertinent regulations of this chapter.
- B. Reasonable conditions and safeguards, in addition to those expressed in this chapter, may be attached to the approval by the Board in granting the special exception as it deems necessary to implement the purposes and intent of this chapter.
- C. The special exception use shall be compatible with adjacent and nearby properties and shall not adversely affect the public health, safety or interest.
- D. The special exception use shall be designed to provide satisfactory arrangement for:
 - (1) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and conveniences, traffic flow and control and access by emergency vehicles.
 - (2) Off-street parking and loading areas, where required, with particular attention to the items in Subsection D(1) above and the noise or other health effects of these characteristics of use on adjoining properties in the district.
 - (3) Refuse areas as to location, safe and sanitary maintenance, protection from vermin and screening.
 - (4) Utility locations, ease of access and safety precautions, as necessary.
 - (5) Screening and buffering, if necessary, with reference to type, dimensions and character.
 - (6) Signs and proposed exterior lighting with reference to glare, traffic safety and harmony with properties in the district.
 - (7) Required yards and other open spaces as specified in this chapter.

§ 150-158. Time limitations for filing.

It is the intent of this chapter to refer to the Act under Article IX³⁰ for those guidelines that limit the filing of a timely proceeding and for the effect upon development of such filing.

§ 150-159. Expiration of special exception or variance; enforcement.

- A. The authorization of a special exception or variance is intended by this chapter to be valid only for the applicant and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board shall require reapplication to the Board. If the special exception or variance has not been implemented within one (1) year of the date of the decision, said approval shall expire. If the property affected by the variance or special exception is transferred in ownership prior to the implementation of the special exception or variance, said approval shall immediately become invalid upon such transfer of ownership.

30. Editor's Note: See 53 P.S. § 10901 et seq.

- B. The Zoning Administrator is empowered to order development or uses authorized by the Zoning Hearing Board to cease and desist where:
- (1) The applicant repeatedly violates conditions or safeguards specified in the Board's decision;
 - (2) The applicant initiates use or construction contrary to the Board's decision; or
 - (3) The applicant is found to have misrepresented or falsified information pertinent to the Board's decision.
- C. Failure by an applicant to meet the special conditions and safeguards of the Board, if attached to an approval, shall be deemed a violation of this chapter and may be punishable as provided herein. The Supervisors may also determine to proceed in courts of law or equity to prevent or remedy violations of this chapter.

ARTICLE XXIII Judicial Remedies

§ 150-160. Judicial remedies.

Nothing contained in this chapter shall be construed to deny any person the right to proceed directly to court where appropriate under the Pennsylvania Rules of Civil Procedure relating to actions in mandamus or to appeal in response to an action of the Supervisors or the Zoning Hearing Board.

ARTICLE XXIV Appeals Procedure; Powers of Supervisors

§ 150-161. Appeals procedure; powers of Supervisors.

- A. It is the intent of this chapter that, unless appropriate reasons to proceed directly to court are present, all questions of use, development, enforcement and interpretation shall be first presented to the Zoning Administrator. The second level of appeal is the Zoning Hearing Board or, in certain cases, the Supervisors as listed. Appeal from those decisions of the Zoning Hearing Board or Supervisors shall be to the court.
- B. It is the intent of this chapter that, pursuant to the Act,³⁶ the Supervisors have retained the following:
- (1) Considering and adopting or rejecting proposed amendments or the repeal of this chapter.
 - (2) Establishing a schedule of fees and charges.
 - (3) Administering certain areas of jurisdiction which are specifically listed in Article XXII.

³⁶. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE XXV

Fees, Charges and Expenses**§ 150-162. Schedule established. [Amended 2-21-2023 by Ord. No. 199]**

The Supervisors shall establish a schedule of fees, charges and expenses and a collection procedure for building and zoning permits, certificates of zoning compliance, appeals, petitions and other matters pertaining to this chapter. The schedule of fees shall be available to the public in the office of the Zoning Administrator and may be altered or amended only by the Supervisors. Permit fees shall be doubled when projects have been started prior to issuance of a zoning permit.

§ 150-163. Payment of fee required prior to filing.

This chapter shall be administered such that, until all applicable fees, charges and expenses have been paid in full, an application or petition filed under this chapter is considered incomplete, and no action is required to be taken by an officer or appointed member with administrative authority as delegated herein on such application or petition.

ARTICLE XXVI

Amendments**§ 150-164. Amendment procedures.**

- A. The regulations, restrictions and boundaries set forth in this chapter may be amended, supplemented, changed or repealed. However, no such action may be taken until after a public hearing is held by the Supervisors, at which time parties in interest and citizens shall have the opportunity to be heard. Public notice as defined by the Act³⁷ shall be given before such hearing. The Supervisors may, at their discretion, follow procedures outlined in the Act for the initial adoption of zoning ordinances.
- B. If the amendment is initiated by any parties other than the Planning Commission, the Supervisors shall submit each such amendment to the Planning Commission and to the Lebanon County Planning Department to provide an opportunity to submit recommendations at least thirty (30) days prior to the hearing.
- C. When the proposed amendment includes a change to the Official Map, notice of the public hearing shall be conspicuously posted at sufficient points along the perimeter of the tract to notify potentially interested parties. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

37. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE XXVII
Construal of Provisions

§ 150-165. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety and general welfare. Whenever the requirements of this chapter do not coincide with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, it is intended that the most restrictive, or those imposing the higher standard, shall govern.

ARTICLE XXVIII
Remedies

§ 150-166. Violations and penalties.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney fees incurred as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, North Londonderry Township shall 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 Ordinance 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 and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the North Londonderry Township Zoning Ordinance shall be paid over to North Londonderry Township.
- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided herein.
- C. Nothing herein contained is intended to prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter A155

CABLE TELEVISION FRANCHISE

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 5-12-1992 by Ord. No. 91 (Ch. A106 of the 1991 Code); amended in its entirety 12-17-2018 by Ord. No. 187. Subsequent amendments noted where applicable.]

ARTICLE I Definitions

§ A155-1. Terms defined.

The following terms used in this franchise shall have the following meanings:

AFFILIATED ENTITY — Any person(s) or entity(ies) who own or control, are owned or controlled by or are under common ownership or control with Comcast Cable Communications Management, LLC, but does not include affiliates that are not involved in the use, management, operation, construction, repair and/or maintenance of Comcast Corporations Cable Systems.

BASIC SERVICE — The service tier that includes at least the retransmission of local broadcast television signals.

CABLE ACT — Title VI of the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competitive Act of 1992 and the Telecommunications Act of 1996, as it may, from time to time, be further amended.

CABLE SERVICE — The one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

CABLE SYSTEM — A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the Township. Such term does not include:

- A. A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- B. A facility that serves subscribers without using any public right-of-way;
- C. A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act, except that such facility shall be considered a cable system (other than for purposes of Section 621 of the Cable Act) to the extent that facility is used in the transmission of video programming directly to subscribers;
- D. An open video system that complies with Section 653 of the Cable Act; or

E. Any facilities of any electric utility used solely for operating its electric utility systems.

CHANNEL — A portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel as a television channel is defined by FCC regulation.

COMMUNICATIONS ACT — The federal Communications Act of 1934, as amended, and as it may, from time to time, be further amended.

COMPLAINT — Any written (including electronic) communication by a subscriber expressing dissatisfaction with Comcast's operation of its cable system that is within Comcast's control and requires a corrective action on the part of Comcast.

DROP — The coaxial or fiber optic or other cable that connects a home or building to the cable system.

EMERGENCY — A condition that either:

- A. Constitutes a clear and immediate danger to the health, welfare, or safety of the public; or
- B. Has caused or is likely to cause the cable system in the public rights-of-way to be unusable and result in loss of the services provided.

FCC — Federal Communications Commission.

FORCE MAJEURE — Acts of God; acts of public enemies, including terrorist attacks; orders of any kind of the government of the United States of America or the Commonwealth of Pennsylvania or any of their departments, agencies, political subdivisions, or officials, or any civil or military authority; insurrections; riots; labor strikes; epidemics; landslides; lightning; earthquakes; fires; hurricanes; volcanic activity; storms; floods; washouts; droughts, explosions; unavailability of materials or equipment; partial or entire failure of utilities.

FRANCHISE — The authorization granted by the Township to construct, operate and maintain a cable system within the corporate limits of the Township as embodied in the terms and conditions of this agreement.

FRANCHISE FEE — The fee that Comcast remits to the Township for the use of the Township's pursuant to Section 622 of the Cable Act, 47 U.S.C. § 542, and § A155-39 of this agreement.

GROSS REVENUES

- A. All revenue received by Comcast or its affiliated entities arising from, attributable to, or in any way derived from the operation of Comcast's Cable System in the Township to provide cable services. Gross revenues shall include, but are not limited to, the following:

- (1) Basic service fees;
- (2) Fees charged to subscribers for any cable service tier other than basic service;
- (3) Fees charged for premium cable services;
- (4) Fees for all digital video tiers;
- (5) Fees for video-on-demand;

- (6) Fees charged to subscribers for any optional, per-channel or per-program cable services;
 - (7) Revenue from the provision of any other cable services;
 - (8) Charges for installation, additional outlets, relocation, disconnection, reconnection and change-in-service fees for cable service;
 - (9) Fees for changing any level of cable service programming;
 - (10) Fees for service calls on cable services;
 - (11) Inside wire maintenance fees for cable services;
 - (12) Service plan protection fees for cable services;
 - (13) Convenience fees;
 - (14) Early termination fees on cable services;
 - (15) Fees for leased access channels;
 - (16) Charges based on the sale or lease of any portion of the cable system for cable service;
 - (17) Rental or sales of any and all cable service equipment, including converters and remote control devices;
 - (18) Any and all locally derived advertising revenues;
 - (19) Revenues or commissions from locally derived home shopping channels;
 - (20) Revenue from interactive cable services;
 - (21) Broadcast retransmission fees;
 - (22) Late payment fees on cable services;
 - (23) Billing and collection fees on cable services;
 - (24) NSF check charges; and
 - (25) Franchise fees.
- B. Gross revenues shall not include bad debts, program launch fees, investment income, refunded deposits, or any taxes on services furnished by Comcast and imposed directly upon any subscriber or user by the Township, state, federal or other governmental unit. In the event of any dispute over the classification of revenue, the Township and Comcast agree that reference should be made to generally accepted accounting principles ("GAAP") as promulgated and defined by the Financial Accounting Standards Board ("FASB").

HD — High-definition format.

LEASED ACCESS or COMMERCIAL ACCESS CHANNEL — Any channel on Comcast's Cable System designated for use by any entity that is unaffiliated with Comcast pursuant to Section 612 of the Cable Act, 47 U.S.C. § 532.

MULTIPLE-DWELLING UNITS or MDUs — Any building, buildings or area occupied by dwelling units, appurtenances thereto, grounds and facilities, which dwelling units are intended or designed to be owned, occupied or leased for occupation, or actually occupied, as individual homes or residences for three (3) or more households.

NORMAL BUSINESS HOURS — Those hours during which most similar businesses in the community are open to serve subscribers. In all cases, normal business hours must include some evening hours at least one night per week and/or some weekend hours.

NORMAL OPERATING CONDITIONS — Business conditions within Comcast's service department which are within the control of Comcast. Those conditions that are not within the control of Comcast include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather conditions or other conditions of force majeure.

OUTLET — An interior receptacle that connects a television set to the cable system.

PROGRAMMING — Any video or audio signal carried over the cable system that is generally considered comparable to programming provided by a television broadcast station.

PUBLIC RIGHTS-OF-WAY — The surface and the area across, in, over, along, under and upon the public streets, roads, lands, avenues, alleys, sidewalks, bridges, highways and other rights-of-way, as the same now or may thereafter exist, which are under the jurisdiction or control of the Township.

PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) CHANNEL — An access channel that consists of local public, educational and/or governmental programming.

SERVICE INTERRUPTION — The loss of picture or sound on one or more channels.

STATE — The Commonwealth of Pennsylvania.

SUBSCRIBER — A person or entity who contracts with Comcast for, and lawfully receives, the video signals and cable services distributed by the cable system.

ARTICLE II **Grant of Franchise**

§ A155-2. Grant of authority.

Pursuant to the Cable Act, the regulations of the FCC and Pennsylvania law, the Township hereby grants a nonexclusive and revocable franchise to Comcast. Subject to the terms and conditions contained herein, the Township hereby grants to Comcast the authority to construct, extend, install, operate, maintain, upgrade and rebuild a cable system, including such wires, cables, fiber, conductors, ducts, conduits, amplifiers, pedestals, attachments and other equipment as is necessary and appropriate to the operation of the cable system in the public rights-of-way, including property over which the Township has a sufficient easement or right-of-way, for the purpose of reception, transmission, amplification, origination, distribution or redistribution of video and audio signals to provide cable services as permitted by applicable law.

§ A155-3. Term of franchise.

The term of this agreement shall be for a period of ten (10) years commencing on the effective date and expiring on December 22, 2028, unless the franchise is terminated prior to the expiration date in accordance with the terms and conditions of this agreement.

§ A155-4. Representations and warranties.

Comcast represents, warrants and acknowledges that, as of the effective date:

- A. Comcast is duly organized, validly existing and in good standing under the laws of the Commonwealth of Pennsylvania;
- B. Comcast has the requisite approval from the applicable federal and state agencies;
- C. There is no action or proceeding pending or threatened against Comcast which would interfere with its performance or its ability to perform the requirements of this agreement;
- D. Pursuant to Section 625(f) of the Cable Act, as of the effective date, the performance of all terms and conditions in this agreement is commercially practicable.

§ A155-5. Nonexclusivity.

This franchise granted to Comcast shall be nonexclusive. Nothing in this agreement shall affect the right of the Township to grant other franchises to construct, operate or maintain a cable system.

§ A155-6. Franchise subject to federal, state and local laws.

This franchise is subject to and shall be governed by all lawful and applicable provisions of federal, state and generally applicable local laws and regulations. This franchise is further subject to all generally applicable ordinances and resolutions of the Township. Without waiving any of its rights, the Township agrees that, to the extent any term of this agreement is inconsistent with the terms of any Township cable franchise ordinance existing as of the effective date, this agreement shall control.

§ A155-7. Competitive equity.

- A. Comcast acknowledges and agrees that the Township reserves the right to grant one or more additional franchises to construct, operate, and maintain a cable system within the Township.
- B. The franchise granted to Comcast is nonexclusive; however, if the Township grants a subsequent franchise that, when taken as a whole upon consideration of all of its material obligations, is more favorable or less burdensome to the subsequent franchisee than this agreement is to Comcast, then Comcast may request an amendment to this agreement to provide Comcast with competitive equity. If the Township agrees with Comcast that, when taken as a whole upon consideration of all of its material obligations, the subsequent franchise is more favorable or less burdensome, then the Township and Comcast shall enter into discussions in order to modify this agreement to the mutual satisfaction of both parties to provide Comcast with such competitive equity.

- C. In the event an application for a new franchise for cable service is submitted to the Township proposing to serve subscribers within the Township, then the Township shall notify Comcast in writing of the submission of the application.

ARTICLE III

System Construction, Operation and Maintenance

§ A155-8. Area to be served.

- A. Comcast shall make cable service available to every dwelling occupied by a person requesting cable service, provided that Comcast is able to obtain from the property owners any necessary easements and/or permits in accordance with Section 621(a)(2) of the Cable Act. Comcast shall extend the cable system into all areas within the Township where there is a minimum of twenty-five (25) dwelling units per linear plant mile of aerial cable and fifty (50) dwelling units per underground mile of cable, calculated from the end of the main distribution line. Comcast shall complete said extensions within three (3) months of written notification to Comcast by the Township and verification by Comcast that an area has met the minimum density standard set forth herein (weather permitting). Comcast's obligation hereunder shall be subject to the timely performance of walk-out, make ready and location of all underground utilities.
- B. Any dwelling unit within one hundred twenty-five (125) feet aerial distance from the main distribution line shall be entitled to a standard installation rate. For any dwelling unit in excess of one hundred twenty-five (125) feet or that requires an underground installation, Comcast shall extend the cable service, and the subscriber shall pay Comcast's actual cost of installation from its main distribution system with such cost being only the incremental portion beyond one hundred twenty-five (125) feet for aerial installations.
- C. The Township has the authority to require Comcast to place wires and/or equipment underground, provided that the Township imposes such requirement on all similarly situated entities. All installations of wires and/or equipment by Comcast shall be underground in those areas of the Township where the wires and/or equipment of similarly situated entities (i.e., telephone and electric utilities) are underground; provided, however, that such underground locations are capable of accommodating Comcast's facilities without technical degradation of the cable system's signal quality. Comcast shall not be required to construct, operate, or maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, system passive devices, amplifiers, power supplies, or pedestals.
- D. In the event that public or private funds are made available to pay for such projects, Comcast may apply or request that the Township apply for such funds. In the event that Comcast is required to place existing aerial plant underground, Comcast reserves the right to pass those costs through to subscribers if and to the extent allowed by applicable law.

§ A155-9. Cable system specifications.

- A. Comcast has designed, constructed and shall maintain a cable system that has been built for digital television standards with the capability of no fewer than one hundred fifty (150) video channels and shall allocate a sufficient portion of said bandwidth to deliver two-way

cable services. The cable system shall be capable of providing high-definition video signals and video-on-demand.

- B. Comcast shall operate, maintain, construct, and extend the cable system so as to offer cable services throughout all parts of the Township where the density requirements of § A155-8 are met. The cable service provided by the cable system shall be delivered in accordance with applicable FCC standards and the Cable Act. The cable system shall meet or exceed all applicable technical performance standards of the FCC, the National Electrical Safety Code, the National Electric Code and any other applicable federal laws and regulations and the laws, ordinances and construction standards of the Commonwealth of Pennsylvania and the generally applicable laws, ordinances and construction standards of the Township.
- C. Stand-by power at the headend(s) shall be provided in the event of a service interruption. Stand-by power must activate automatically upon the failure of commercial utility power.
- D. Comcast reserves the right to alter, adjust, modify, rebuild, upgrade, redesign, or otherwise reconfigure the cable system at any time during the term of the agreement, provided that no alteration, adjustment, modification, rebuild, upgrade, redesign or other reconfiguration of the cable system shall have the effect of reducing the technical capabilities of the cable system as set forth in this Section.

§ A155-10. System tests.

Comcast shall conduct the required tests as follows:

- A. Comcast shall be responsible for ensuring that its cable system is designed, installed and operated in a manner that fully complies with FCC technical standards, Subpart K, 47 CFR § 76.601-76.617, as amended.
- B. In accordance with FCC technical standards, Comcast shall conduct complete performance tests of its cable system at least twice each calendar year at intervals not to exceed seven (7) months. The performance tests shall be directed at determining the extent to which the cable system complies with technical standard set forth in 47 CFR § 76.605(a) regarding the transmission and reception capabilities of cable signals.
- C. In accordance with CFR § 76.614, Comcast shall maintain performance test records on file for a period of two (2) years. Such records shall be made available to authorized representatives of the Township upon thirty (30) days' written request.
- D. The rights and obligations of the Township and Comcast under this section shall at all times be subject to applicable federal law and FCC regulation.

§ A155-11. Emergency alert system.

Comcast shall comply with the Emergency Alert System requirements of the FCC.

§ A155-12. Services for subscribers with disabilities.

Comcast shall comply with all applicable federal regulations, including the Communications Act of 1934, as amended, that ensure the provision of cable services and related equipment are

accessible to and usable by persons with disabilities, if readily achievable.

§ A155-13. Service to multiple-dwelling units ("MDUs").

Comcast and the Township hereto acknowledge and agree that installation and provision of cable service to MDUs are subject to a separate negotiation between the landlord, owner or governing body of any such MDU and Comcast, which negotiations shall be conducted in accordance with the procedures set forth in the Cable Act, as amended, applicable FCC regulations, and applicable Pennsylvania law.

§ A155-14. Repairs and restoration.

- A. Whenever Comcast or any of its agents, including any contractor or subcontractor, takes up or disturbs any pavement, sidewalk or other improvement of any public property, the same shall be replaced and the surface restored in as reasonably good condition as before the disturbance within twenty (20) business days of the completion of the disturbance, weather permitting. Upon failure of Comcast to comply within the time specified and the Township having notified Comcast in writing of the restoration and repairs required, the Township may cause proper restoration and repairs to be made, and the expense of such work shall be paid by Comcast upon demand by the Township.
- B. Whenever Comcast or any agent, including any contractor or subcontractor, shall install, operate or maintain equipment, cable, or wires, it shall avoid damage and injury to property, including structures, improvements and trees in and along the routes authorized by the Township if required for the proper installation, operation and maintenance of such equipment, cable, or wires. Comcast shall promptly repair and restore any public or private property that is damaged as a result of construction, installation, repair or maintenance of the cable system within twenty (20) business days, weather permitting.
- C. Comcast's operation, construction, repair and maintenance personnel, including all contractors and subcontractors, shall be trained in the use of all equipment and the safe operation of vehicles. Such personnel shall follow all safety procedures required by all applicable federal, state and local laws and regulations. All areas of the cable system shall be inspected in accordance with such applicable federal, state and local laws and regulations so as to prevent hazardous conditions or risks to safety for the public and/or operating and maintenance personnel. Comcast shall install and maintain its wires, cables, fixtures, and other equipment in such a manner as shall not interfere with any installations of the Township or any public utility serving the Township.
- D. Should a public safety emergency occur as a result of, incident to, or connected with operation, construction, repair, or maintenance activities by Comcast personnel, including all contractors and subcontractors, then such personnel shall immediately contact the applicable public safety emergency dispatcher (e.g., 9-1-1).
- E. Whenever Comcast or any agent, including any contractor or subcontractor, shall disturb any pavement, sidewalk or other public property in order to perform any underground activity, it shall utilize the Pennsylvania One Call System prior to any such disturbance. Comcast shall adhere to any additional undergrounding requirements which the commonwealth may establish in the future. Comcast shall adhere to all requirements of the

Pennsylvania Underground Utility Line Protection Act.

- F. All structures and all lines, equipment and connections in, over, under, and upon streets, sidewalks, alleys, and public and private ways and places of the Township, wherever situated or located, shall at all times be kept and maintained in a safe and suitable condition and in good order and repair in accordance with customary industry standards and practices.

§ A155-15. Service area maps.

Upon written request, Comcast shall provide to the Township for its exclusive use and shall maintain at its local offices a complete set of Comcast service area strand maps of the Township on which shall be shown those areas in which its facilities exist and the location of all streets. The strand maps shall be provided to the Township in hard copy and also, if requested and available, in an electronic GIS format which is compatible with the Township's GIS format. The strand maps shall also designate where the cable wires and other equipment are aerial and where they are underground. Comcast shall provide the Township with updated maps within thirty (30) days after any written request by the Township.

§ A155-16. Disconnection and relocation.

- A. Comcast shall, at no cost to the Township, protect, support, temporarily disconnect, relocate in the same street, or other public way and place, or remove from any street or any other public way or place, any of its property as required by the Township or its designee by reason of traffic conditions, street construction, change or establishment of street grade, site distance visibility, the construction of any public improvement or structure, or any other reason related to public health, safety and welfare.
- B. In requiring Comcast to protect, support, temporarily disconnect, relocate or remove any portion of its property, the Township shall treat Comcast the same as, and require no more of Comcast than, any similarly situated entity.

§ A155-17. Emergency removal of equipment.

- A. If, at any time, in case of fire or other disaster in the Township, it shall be necessary, in the reasonable judgment of the Township or its agent, to cut or move any of the wires, cable or equipment of the cable system, the Township shall have the right to do so without cost or liability, provided that, wherever possible, the Township shall give Comcast notice and the ability to relocate wires, cable or other equipment.
- B. In cutting or moving any of the wires, cable or equipment of the cable system in the event of fire or other disaster, the Township shall treat Comcast the same as, and require no more of Comcast than, any other similarly situated entity.

§ A155-18. Tree trimming.

- A. Comcast, or its agents, including contractors and subcontractors, shall have the authority to trim trees upon and overhanging the public rights-of-way so as to prevent the branches of such trees from coming in contact with the wires, cables, or other equipment of Comcast.

Any such tree trimming shall only be performed in accordance with applicable laws and regulations.

- B. If Comcast or its agents, including contractors and subcontractors, wish to cut down and remove any tree or trees as may be necessary for the installation and/or maintenance of its equipment, it shall apply to the Township for permission, with the exception of "emergency" situations as defined in § A155-1, and if permission is granted, shall perform such cutting and removal in accordance with the regulations of the Township.

§ A155-19. Channel capacity.

Comcast shall meet or exceed programming and channel capacity requirements set forth in this agreement and required by federal and state law and regulations.

§ A155-20. Broadcast channels.

- A. To the extent required by federal law, Comcast shall provide all subscribers with basic service, including, but not limited to, the following:
 - (1) All broadcast television signals carried in fulfillment of the requirements of Section 614 of the Cable Act;
 - (2) The signals of qualified noncommercial educational television signals carried in fulfillment of the requirements of Section 615 of the Cable Act; and
 - (3) Any public, educational and governmental channel pursuant to Section 611 of the Cable Act.
- B. All such signals shall be delivered to subscribers in accordance with FCC technical specifications.

§ A155-21. Signal scrambling.

Comcast shall at all times comply with FCC regulations regarding scrambling or other encryption of audio and video signals.

§ A155-22. Continuity of service.

Subscribers shall continue to receive cable service from Comcast, provided their financial and other obligations to Comcast are honored. Subject to force majeure provisions in § A155-53, Section 9.1, Comcast shall use its best efforts to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances. For the purpose of construction, routine repairing or testing of the cable system, Comcast shall use its best efforts to interrupt service only during periods of minimum use. When necessary service interruptions of more than twenty-four (24) hours can be anticipated, Comcast shall notify subscribers in advance of such service interruption along with providing subscribers with a pro-rata credit for the time of such service interruption.

§ A155-23. Parental control capability.

Comcast shall comply with Section 641 of the Cable Act.

ARTICLE IV
Subscriber Service Standards

§ A155-24. Office hours and telephone availability.

- A. Comcast service centers shall be conveniently located and shall be open during normal business hours.
- B. Comcast shall provide and maintain a toll-free telephone access line that will be available to subscribers twenty-four (24) hours a day, seven (7) days a week. Trained representatives shall respond to subscriber telephone inquiries during normal business hours. After normal business hours, the access line may be answered by a service or an automated response system. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.
- C. Under normal operating conditions and during normal business hours, telephone answering time by a subscriber representative, including wait time, shall not exceed thirty (30) seconds after the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time, measured on a quarterly basis. Under normal operating conditions, the subscriber shall receive a busy signal less than three percent (3%) of the time.
- D. Comcast will not be required to acquire or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply. If the Township determines, after receiving complaints itself and/or receiving a record of complaints made to Comcast in accordance with §§ A155-28 and/or A155-38A, that there is a clear failure to comply with the telephone answering requirements above, the Township shall notify Comcast in writing that it must measure its compliance with these requirements for the next ninety (90) days and report to the Township the results of such measurements.

§ A155-25. Installations and service calls.

- A. Comcast shall maintain a staff of employees sufficient to provide adequate and prompt service to its subscribers. Comcast shall require that any employee or agent, including any subcontractor, who personally visits any residential dwelling shall display a photo identification badge. Any vehicle used for installation, operation or maintenance activities by any Comcast employee or agent, including any subcontractor, shall prominently display the Comcast or Xfinity logo.
- B. Standard installations will be performed within seven (7) business days after an order has been placed. Standard installations are those aerial installations that are located up to one hundred twenty-five (125) feet from the existing main distribution line.
- C. Upon scheduling of appointments with the subscriber for installations, service calls and other activities, Comcast shall provide the subscriber with either a specific time or an appointment window of a maximum of four (4) hours during normal business hours. Comcast may schedule service calls and installation activities outside of normal business

hours at a time that is convenient for the subscriber.

- D. Comcast may not cancel an appointment with a subscriber after the close of business on the business day prior to the scheduled appointment. If, at any time, an installer or technician is running late, an attempt to contact the subscriber must be made prior to the time of the appointment. If the appointment must be rescheduled, it must be done so at a time that is convenient for the subscriber.

§ A155-26. Notices.

- A. Comcast shall provide written notice to each subscriber upon initial subscription, at intervals not less than one (1) per year thereafter to each subscriber and at any time upon request, regarding each of the following areas:
 - (1) Products and services offered;
 - (2) Prices and options for programming services and conditions of subscription to programming and other services;
 - (3) Channel positions of programming carried on the cable system;
 - (4) Installation and service maintenance policies;
 - (5) Instructions on how to use the cable service;
 - (6) Billing and subscriber complaint procedures;
 - (7) Comcast's address, telephone number and office hours; and
 - (8) A notice of subscriber privacy rights as required by federal law.
- B. In accordance with applicable law, Comcast shall notify subscribers and the Township in writing of any changes in rates, programming services or channel positions a minimum of thirty (30) days in advance of such changes, provided that such change is within the control of Comcast. Comcast shall not be required to provide prior notice to subscribers of any rate change that is the result of a regulatory fee, franchise fee or any other fee, tax, assessment or charge of any kind imposed by any federal agency, the Commonwealth of Pennsylvania or the Township on the transaction between Comcast and the subscriber.
- C. Comcast shall maintain a file available to the public containing information as required by federal law.

§ A155-27. Billing.

- A. Bills shall be clear, concise and understandable. Bills must be fully itemized, and shall include all applicable service tiers, equipment charges and any installation or repair charges. Bills shall state the billing period, including an effective due date, the amount of current billing and any relevant credits or past due balances.
- B. Comcast shall not assess late fees for nonpayment of a current bill until at least thirty (30) days have elapsed since the mailing of the bill by Comcast.
- C. The Township hereby requests that Comcast omit the Township's name, address, and

telephone number from subscriber bills as permitted by 47 CFR § 76.952.

§ A155-28. Subscriber complaint procedures.

- A. Comcast shall establish clear written procedures for resolving all subscriber complaints, which shall include at least the following:
 - (1) Comcast shall provide the subscriber with a written response to a written complaint within thirty (30) days of its receipt at the local business office. Such response shall include the results of its inquiry into the subject matter of the complaint, its conclusions based on the inquiry, and its decision in response to the complaint.
 - (2) If the Township is contacted directly about a subscriber complaint, it shall notify Comcast promptly and in writing. When Comcast receives such notification, the time period for Comcast to respond as required by § A155-28A(1) shall commence. If the Township notifies Comcast in writing, then Comcast shall respond in writing within the time period specified in § A155-28A(1).
 - (3) Any subscriber who, in good faith, disputes all or part of any bill sent by Comcast has the option of withholding the disputed amount, without a late fee or disconnection, until Comcast has investigated the dispute in good faith and has made a determination that the amount is owed, provided that:
 - (a) The subscriber provides a written complaint to Comcast in a timely fashion and includes identifying information;
 - (b) The subscriber pays all undisputed charges; and
 - (c) The subscriber cooperates in determining the appropriateness of the charges in dispute.
- B. Comcast shall maintain subscriber complaint records for inspection by the affected subscriber, which shall contain the date each complaint is received, the name and address of the affected subscriber, a description of the complaint, the date of resolution of the complaint, and a description of the resolution.

§ A155-29. Disconnection.

Comcast may disconnect or terminate a subscriber's service for cause:

- A. If at least thirty (30) days have elapsed from the due date of the bill that the subscriber has failed to pay; and
- B. If Comcast has provided at least ten (10) days' notice to the affected subscriber prior to disconnection, specifying the effective date after which cable services are subject to disconnection; and
- C. If there is no pending written dispute with Comcast regarding the bill; or
- D. If at any time and without notice, Comcast determines in good faith that the subscriber has tampered with or abused Comcast's equipment or service or is engaged in theft of cable service or has exhibited violent or threatening behavior toward its employees.

§ A155-30. Service interruptions.

- A. Excluding conditions beyond its control, Comcast shall begin working on a service interruption promptly and in no event later than twenty-four (24) hours after the interruption becomes known and shall pursue to completion. Notice of a service interruption of a single subscriber shall give rise to this obligation on behalf of Comcast. All other service calls not affecting public health, safety or welfare shall occur within a maximum of forty-eight (48) hours after notice to Comcast or scheduled at the convenience of the subscriber.
- B. In the event that there is a service interruption to any subscriber for six (6) or more consecutive hours and upon receipt of written or credible oral request, Comcast shall grant such subscriber a pro-rata credit or rebate, on a daily basis, of that portion of the service charge during the next consecutive billing cycle, or, at its option, apply such credit to any outstanding balance that is currently due.

§ A155-31. Privacy.

- A. Comcast shall at all times comply with the privacy provisions of Section 631 of the Cable Act and all other applicable federal and state privacy laws and regulations.
- B. Comcast shall at all times maintain adequate physical, technical and administrative security safeguards to ensure that personally identifiable subscriber information is handled and protected strictly in accordance with this policy and all applicable laws and regulations.
- C. Except as permitted by Section 631 of the Cable Act, as amended, neither Comcast nor its designee nor its employees shall make available to any third party, including the Township, information concerning the viewing habits or subscription package decisions of any individual subscriber. If a court authorizes or orders such disclosure, Comcast shall notify the subscriber prior to disclosure, unless such notification is otherwise prohibited by applicable law or the court.
- D. Upon a request by a subscriber, Comcast shall make available for inspection at a reasonable time and place all personal subscriber information that Comcast maintains regarding said subscriber. Comcast shall ensure that all information related to billing and service requests is accurate and up to date and shall provide subscribers with a reasonable opportunity to correct any errors upon discovery.
- E. Comcast shall not make its subscriber list or lists, or any portion thereof, available to any other person or entity, with or without remuneration in conformance with Section 631 of the Cable Act.

ARTICLE V
Regulation by Township

§ A155-32. Right to inspect.

- A. The Township shall have the option, upon thirty (30) business days' written notice and during normal business hours, to inspect at the notice location for Comcast specified in § A155-55, all documents, records and other pertinent information maintained by Comcast

which relate to the terms of this agreement and applicable law.

- B. In addition, Comcast shall maintain for inspection by the public and the Township all records required by the FCC and as specified in 47 CFR § 76.305 in the manner specified therein.
- C. Upon thirty (30) days' written request to Comcast, the Township may inspect the cable system at any time to ensure compliance with this agreement and applicable law, including to ensure that the cable system is constructed and maintained in a safe condition.
- D. Notwithstanding anything to the contrary set forth herein, all information specifically marked by Comcast as proprietary or confidential in nature and furnished to the Township or its designated representatives shall be treated as confidential by the Township so long as it is permitted to do so under applicable law. Representatives and/or agents and/or designees of the Township may be requested to execute a nondisclosure agreement prior to the provision by Comcast of certain confidential information, provided such representatives and/or agents are permitted to do so under applicable law. Information and documentation marked by Comcast as proprietary or confidential shall include a brief written explanation as to its proprietary nature or confidentiality subject to review by the Township. The Township and its officially designated representatives agree in advance to treat any such information or records which Comcast reasonably deems would provide an unfair advantage for Comcast's competitors (e.g., system design maps, engineering plans, programming contracts, etc.) as confidential so long as permitted to do so under applicable law and only to disclose it to Township employees, agents, or representatives who have a need to know or in order to enforce the provisions of this agreement. In the event a request is made by an individual or entity not an employee, agent or representative of the Township acting in their official capacity for information related to the franchise and marked by Comcast as confidential and/or proprietary, the Township shall notify Comcast of such request. Comcast shall not be required to provide subscriber information in violation of Section 631 of the Cable Act, or information which is not relevant to regulation of the franchise (e.g., employee files, tax returns, etc.).

§ A155-33. Right to conduct compliance review.

Not more than once every thirty-six (36) months during the term of this agreement, the Township or its representatives may conduct a full compliance review with respect to whether Comcast has complied with the material terms and conditions of this agreement so long as it provides Comcast with thirty (30) days' written notice in advance of the commencement of any such review or public hearing. Such notice shall specifically reference the section(s) or subsection(s) of the agreement that is (are) under review, so that Comcast may organize the necessary records and documents for appropriate review by the Township. Within thirty (30) days of a written request, Comcast shall provide the Township with copies of records and documents reasonably related to the cable compliance review. The period for any such review shall be for not more than the sixty (60) months immediately previous to the notice. The Township shall promptly inform Comcast of any noncompliance issues that result from the compliance review.

§ A155-34. Reserved authority.

The Township reserves the regulatory authority arising from the Cable Act and any other applicable federal or state laws or regulations. Nothing in this agreement shall remove, restrict or reduce the Township's authority, rights and privileges it now holds, or which hereafter may be conferred upon it, including any right to exercise its police powers in the regulation and control of the use of the public rights-of-way.

§ A155-35. Police powers.

Comcast's rights under this agreement are subject to the police powers of the Township to adopt and enforce general laws and regulations necessary for the safety and welfare of the public. Such laws and regulations are separate and distinct from the terms and conditions contained in this agreement.

§ A155-36. No limitation on taxing or fee authority.

Nothing in this section or in this agreement shall be construed to limit the authority of the Township to impose any tax, fee or assessment of general applicability. Such taxes, fees or assessments shall be in addition to franchise fees.

§ A155-37. Permits.

Comcast shall apply to the Township for all generally applicable required permits and shall not undertake any activities in the public rights-of-way subject to a permit without receipt of such permit, the issuance of which shall not be unreasonably withheld by the Township. Comcast shall not be required to obtain permits for cable service drops for individual subscribers or for servicing or installation of pedestals or routine maintenance that does not disturb surface grade or impact vehicular traffic. Comcast shall pay any and all required permit fees.

§ A155-38. Reporting.

In addition to the other reporting requirements contained in this agreement, Comcast shall provide the following reports to the Township:

A. Subscriber complaint reports.

- (1) Within thirty (30) days of a written request, Comcast shall submit to the Township a report showing the number of "complaints," as defined in § A155-1, that required a work order and/or service call, originating from the Township and received during the previous twelve-month reporting period, the dates they were received, summary descriptions of the complaints, the dates the complaints were resolved and summary descriptions of the resolutions.
- (2) In addition and upon written request, Comcast shall provide a report containing at least the following statistical information for the previous twelve-month period:
 - (a) Number of repair service requests received;
 - (b) Breakdown by type of complaint received (i.e., complete outage, snowy picture, etc.);

- (c) Breakdown by cause of problem (i.e., subscriber equipment, drop/converter, system, etc.);
 - (d) Number of known service interruptions and the approximate length of time of each such interruption.
- B. Annual financial reports. Within thirty (30) days of a written request, Comcast shall submit to the Township its current financial statement, including a statement of income, balance sheet and a statement of sources and applications of funds which shall be verified by Comcast's Chief Financial Officer in accordance with generally accepted accounting principles. Submission by Comcast of the most recent United States Securities and Exchange Commission Annual Report Form 10-K prepared by Comcast shall be deemed as satisfactory compliance with this § A155-38B.

ARTICLE VI

Compensation to Township

§ A155-39. Franchise fees.

Comcast shall pay to the Township an amount equal to five percent (5%) of the gross revenues derived from the operation of its cable system to provide cable service in the Township. Comcast shall not deduct or otherwise credit against the franchise fee any tax, fee or assessment of general applicability. The Township may amend the franchise fee upon written notice to Comcast, provided that the franchise fee may not exceed the maximum percentage permitted by law. A copy of the resolution or ordinance authorizing the franchise fee rate adjustment by the Township shall accompany such written notice. Any change in Comcast's franchise fee obligation contained herein shall commence within ninety (90) days from such written notice.

§ A155-40. Quarterly payments.

Franchise fee payments to the Township under this provision shall be computed at the end of each calendar quarter. Such payments shall be made within forty-five (45) days following the end of each of the first three calendar quarters and sixty (60) days after the fourth calendar quarter. Specifically, payments shall be due and payable on or before May 15 (for the first quarter), August 15 (for the second quarter), November 15 (for the third quarter), and March 1 (for the fourth quarter). In the event that any franchise fee payment is not made on or before the date by which it is due, then interest calculated at the then-current prime rate, as published by the Wall Street Journal, shall be added to the amount of franchise fee revenue due to the Township. The interest rate shall be applied as described from the date such franchise fee payment was originally due. No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any payment be construed as a release of any claim the Township may have for additional sums payable under this agreement. Upon request and if mutually agreeable, Comcast shall deposit the franchise fee payments electronically into an account as designated by the Township.

§ A155-41. Quarterly reports.

Within ten (10) days of each franchise fee payment described in § A155-40 above, Comcast shall provide a written report containing an accurate statement of Comcast's gross revenues received

for cable services for each calendar quarter in connection with the operation of Comcast's cable system and showing the basis for the computation of fees. Specifically, the report shall contain line items for sources of revenue received and the amount of revenue received from each source. The report shall be verified by a financial representative of Comcast.

§ A155-42. Franchise fee review.

- A. Not more than once every three (3) years, the Township shall have the right to conduct a franchise fee review of Comcast's records reasonably related to the sources, amounts and computation of gross revenues. Any such franchise fee review shall occur within sixty (60) months from the date the Township receives such payment, after which period any such payment shall be considered final. Within thirty (30) days of a written request, Comcast shall provide the Township with copies of financial records related to the franchise fee review or audit.
- B. In the event of an alleged underpayment, the Township shall provide Comcast with a written statement indicating the basis for the alleged underpayment. If the franchise fee review reveals that there have been no underpayments, the Township shall provide written notice to Comcast indicating that no underpayments were found and that the franchise fee review is closed. Comcast shall have thirty (30) days from the receipt of the statement regarding an alleged underpayment to provide the Township with any written objection to the results of the franchise fee review, including any substantiating documentation. Based on this exchange of information, the Township shall make a final determination of the underpayment(s), if any, within thirty (30) days of Comcast's objection and shall provide Comcast with written notice of the determination. If Comcast disputes the Township's final determination, it may submit the dispute to mediation or arbitration within thirty (30) days of receiving the Township's written notice of determination. In the event that Comcast fails to submit the matter to mediation or arbitration within the required time period, the Township's final determination shall be binding on Comcast.
- C. Any franchise fee payment due to the Township as a result of the franchise fee review shall be paid to the Township by Comcast within sixty (60) days from the date the Township notifies Comcast of its final determination, or if the matter is submitted to mediation or litigation, within sixty (60) days from the final disposition of such action. If the franchise fee review shows that franchise fees have been underpaid, then Comcast shall pay the underpaid amount plus monetary fines of ten percent (10%) of the underpayment. If franchise fees have been underpaid by five percent (5%) or more, then Comcast shall also pay up to three thousand dollars (\$3,000.00) of documented out-of-pocket costs of the franchise fee review. Any entity employed by the Township that performs an audit or franchise fee review shall not be permitted to be compensated on a success-based formula, e.g., payment based upon underpayment of fees, if any.

§ A155-43. Bundled services.

Pursuant and subject to generally accepted accounting principles (GAAP), if cable services subject to the franchise fee required under this § A155-43 are provided to subscribers in conjunction with noncable services and the total cost of the bundle reflects a discount from the aggregate retail prices of the services contained therein, then the franchise fee shall be applied to

the retail price of the cable services in the bundle reduced by no more than a proportionate share of the overall discount.

ARTICLE VII
Services to Community

§ A155-44. Services to community facilities.

- A. Upon written request, Comcast shall, at no charge to the Township, provide one (1) complimentary standard installation and complimentary cable services as described herein below to all facilities listed in Exhibit A.¹
- B. Within three (3) months of the effective date and upon written request, Comcast shall provide or maintain one (1) standard cable drop, outlet, digital transport adapter ("DTA") (and any other required end user equipment) and standard cable level services (or equivalent) package to each permitted free location. No charge shall be made for standard installation, except that Comcast may charge for installation beyond one hundred twenty-five (125) feet from the cable plant or for more than one (1) drop in each permitted location.
- C. For the purposes of this section, the term "school" means an educational institution that receives funding pursuant to Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended, and does not include "home schools" or "cyber schools," or any other educational situation that does not meet the specific criteria set forth herein.

§ A155-45. Educational and governmental (EG) channels.

- A. Comcast shall provide to the Township, within one hundred eighty (180) days of a written request and as set forth herein, the use of one (1) dedicated educational and governmental ("EG") access channel in accordance with Section 611 of the Cable Act. Such EG channel shall be used for community programming related to educational and/or governmental activities. Such programming shall be noncommercial, except that it may include sponsorships. The Township shall have complete control over the content, scheduling, administration and all other programming aspects of the EG channels, and may delegate such functions, or a portion of such functions, to an appropriate designee. Comcast shall not exercise any editorial control over EG channel programming except Comcast may refuse to transmit any program or portion of a public access program that contains obscenity, indecency, or nudity pursuant to Section 611 of the Cable Act, to the extent allowed by applicable law. Comcast shall cablecast the activated EG channel so that it may be received by all Comcast subscribers in the Township.
- B. To enable the Township to utilize the EG channel, the Township shall select one (1) location within the Township's boundaries, and Comcast shall provide and install, within one hundred eighty (180) days of a written request by the Township, the cables, wires, lines, and other signal distribution equipment between the video origination location and the Comcast headend such that live programming can originate from this selected location

1. Editor's Note: Exhibit A is on file in the Township offices.

and be distributed via the cable system to subscribers in the Township. These cables and equipment shall be collectively known as the "return line."

- C. Any expenditure made in connection with the construction of the return line shall be at the expense of the Township. The Township and Comcast further agree that all costs incurred by Comcast for supporting such EG channel, including any and all maintenance, equipment and EG support grants may be designated as "costs of franchise requirements" or "external costs" as defined by the FCC, and Comcast reserves its right to pass these costs through to the subscribers pursuant to federal law.
- D. Comcast shall be responsible for maintaining the return line to the video origination point of the EG channel so long as the Township provides Comcast with access to such location and access to the EG channel equipment within such location. Comcast shall provide, install and maintain in good working order the equipment and the cable necessary for transmitting the signal to the channel aggregation site for further processing and distribution to subscribers. Comcast shall maintain the EG channel in accordance with the same FCC technical specifications that are comparable to the specifications used to maintain commercial channels transmitted to subscribers on the cable system, except that it shall not be responsible for the technical signal quality of programming produced by any EG channel programmer.
- E. The Township or its designee shall be responsible for providing any necessary production or playback equipment and shall be responsible for securing and supervising any trained/qualified personnel who conduct the operation of the EG channel. The Township and Comcast agree to work cooperatively in implementing the EG channel through such means and in such manner as shall be mutually satisfactory.
- F. In the event the Township or its designee does not program any EG channel, Comcast may request the use of this channel subject to written approval by the Township. If the Township approves Comcast's use of a EG channel and, subsequent to such approval, the Township requests the utilization of the EG channel being programmed by Comcast, Comcast shall relinquish such use no later than sixty (60) days after receipt of written notification from the Township that it requires such channel for educational and/or governmental use.

§ A155-46. PEG access capital grant.

Comcast shall provide the Township with a one-time EG access capital grant to be used in support of the production of local EG channel programming or any other cable or technology-related purpose as directed by the Township in accordance with applicable law. The EG capital grant provided by Comcast shall be in the amount of nine thousand three hundred dollars (\$9,300.00). Such grant is to be paid to the Township within ninety (90) days of the effective date of this agreement. Such grant shall not be offset against any franchise fees remitted or due to the Township. Comcast and the Township agree that the cost of such grant may be designated as a "cost of franchise requirements" or "external cost" as defined by the FCC, and Comcast reserves its right to pass these costs through to the subscribers pursuant to federal law.

ARTICLE VIII

Enforcement, Insurance and Indemnification

§ A155-47. Violations and opportunity to cure.

- A. If the Township has reason to believe that Comcast violated any provision of this agreement, it shall notify Comcast in writing of the nature of such violation and the section(s) of this agreement that it believes has been violated and the details relating thereto.
- B. Comcast shall have thirty (30) days to cure such violation after written notice is received by taking reasonable steps to comply with the terms of this agreement. If the nature of the violation is such that it cannot be fully cured within thirty (30) days, the period of time in which Comcast must cure the violation shall be extended by the Township in writing for such additional time necessary to complete the cure, provided that Comcast shall have promptly commenced to cure and is taking reasonable steps to cure in the reasonable judgment of the Township.
- C. If the violation has not been cured within the time allowed under § A155-47B and, in the Township's judgment, Comcast has not taken reasonable steps to cure the violation, then the Township may deem that Comcast is liable for liquidated damages and/or any other right or remedy in accordance with §§ A155-48 through A155-50.

§ A155-48. Liquidated damages.

- A. Because Comcast's failure to comply with material terms of this agreement may result in harm to the Township and because it will be difficult to measure the extent of such harm, the Township may assess liquidated damages against Comcast in the amount of two hundred fifty dollars (\$250.00) per day for each day the violation continues, provided Comcast has had an opportunity to cure in accordance with § A155-47B. Such damages shall not be a substitute for specific performance by Comcast or legal action by the Township, but shall be in addition to such specific performance or legal action.
- B. The first day for which liquidated damages may be assessed, if there has been no cure after the end of the applicable cure period, shall be the day after the end of the applicable cure period, including any extension of the cure period granted by the Township. Liquidated damages may not be assessed for a time period exceeding one hundred twenty (120) days per violation. The Township may commence revocation proceedings and/or initiate an action in law or equity in a court of competent jurisdiction after the assessment of liquidated damages or in lieu of liquidated damages.

§ A155-49. Revocation.

- A. In addition to the other rights, powers and remedies retained by the Township under this agreement, the Township reserves the separate and distinct right to revoke this franchise if:
 - (1) It is demonstrated that Comcast practiced any fraud or deceit upon the Township in the operation of its cable system or any other activities pursuant to this agreement;
 - (2) Comcast repeatedly fails, after notice and opportunity to cure, to maintain signal quality pursuant to the standards provided for by the FCC or the technical

requirements set forth in § A155-8;

- (3) Comcast repeatedly violates, after notice and opportunity to cure, one or more of the material terms or conditions of this agreement;
- B. The foregoing shall not constitute a violation of a material term or condition if the violation occurs without the fault of Comcast or occurs as a result of circumstances beyond its control or by reason of force majeure as defined in § A155-53. Comcast shall not be excused from the performance of any of its obligations under this franchise by mere economic hardship or by the misfeasance or malfeasance of its directors, officers or employees.
- C. A revocation shall be declared only by a written decision of the Township Board of Supervisors after an appropriate public hearing that shall afford Comcast due process and full opportunity to be heard. This shall include the ability to introduce evidence, to question witnesses and to respond to any notice of grounds to terminate in accordance with the standards of a fair hearing applicable to administrative hearings in the Commonwealth of Pennsylvania. All notice requirements shall be met by providing Comcast at least thirty (30) days' prior written notice (via certified mail, return receipt requested) of any public hearing concerning the proposed revocation of this franchise. Such notice shall state the grounds for revocation. The Township, after a public hearing and upon finding the existence of grounds for revocation, may either declare this franchise terminated or excuse such grounds upon a showing by Comcast of mitigating circumstances or good cause for the existence of such grounds. The Township shall issue such declaration and finding within thirty (30) days in a written decision which shall be sent via certified or overnight mail to Comcast. Comcast may appeal such determination to an appropriate court.

§ A155-50. Performance bond.

- A. Comcast shall obtain and maintain, throughout the term of this agreement, at its sole cost and expense, a performance bond with a surety company licensed to do business in the Commonwealth of Pennsylvania to ensure Comcast's faithful performance of its obligations. The performance bond shall provide that the Township may recover from the principal and surety any and all liquidated damages and/or compensatory damages incurred by the Township for Comcast's violations of this agreement, after notice and opportunity to cure, in accordance with §§ A155-47 and A155-48.
- B. The performance bond shall be in the amount of twenty-five thousand dollars (\$25,000.00). Comcast shall not reduce, cancel or materially change said bond from the requirement contained herein without the express prior written permission of the Township.

§ A155-51. Insurance.

- A. Comcast shall obtain and maintain, in full force and effect, at its sole cost and expense, during the franchise term, the following minimum insurance coverage with an insurance company that is authorized to conduct business in Pennsylvania and which has an A.M. Best rating (or equivalent) no less than A-minus VII, indemnifying the Township from and against any and all claims for injury or damage to persons or property, both real and personal, caused by the construction, installation, reconstruction, operation, maintenance or

removal of the cable system by Comcast or any of its contractors, subcontractors, agents or employees in the following amounts:

- (1) The amount of such insurance against liability for damage to property shall be no less than one million dollars (\$1,000,000.00) as to any one (1) occurrence.
 - (2) The amount of such insurance against liability for injury or death to any person shall be no less than one million dollars (\$1,000,000.00).
 - (3) The amount of such insurance for excess liability shall be three million dollars (\$3,000,000.00) in umbrella form.
 - (4) The amount of such insurance against all claims arising out of the operation of motor vehicles and general tort or contract liability shall be one million dollars (\$1,000,000.00).
- B. The Township, its officials and employees, shall be designated as additional insureds under each of the insurance policies required in this § A155-51.
- C. Comcast shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this § A155-51 and without submitting insurance certificates to the Township verifying that Comcast has obtained such alternative insurance. Comcast shall provide the Township with at least thirty (30) days' prior notice in the event the policies are canceled or not renewed.
- D. Comcast shall deliver to the Township certificates of insurance showing evidence of the required coverage within thirty (30) days of a written request by the Township.

§ A155-52. Indemnification.

Comcast shall indemnify, defend, save and hold harmless the Township, its elected and appointed officials, officers, agents and employees acting in their official capacities, from claims for injury, loss, liability, cost or expense arising in whole or in part from, caused by or connected with any act or omission of Comcast, its officers, agents, contractors, subcontractors or employees, arising out of, but not limited to, the construction, installation, upgrade, reconstruction, operation, maintenance or removal of the cable system. The Township shall give Comcast timely written notice of its obligation to indemnify and defend the Township. The obligation to indemnify, defend, save and hold the Township harmless shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, penalties, and reasonable attorneys' fees. If the Township determines that it is necessary for it to employ separate counsel, in addition to that provided by Comcast, the cost for such separate counsel shall be the responsibility of the Township. Comcast shall not indemnify the Township for any claims resulting solely from acts of willful misconduct or negligence on the part of the Township.

ARTICLE IX
Miscellaneous

§ A155-53. Force majeure.

If for any reason of force majeure, Comcast is unable in whole or in part to carry out its

obligations hereunder, Comcast shall not be deemed in violation of this agreement during the continuance of such inability.

§ A155-54. Removal of system.

- A. Upon lawful termination or revocation of this agreement, Comcast shall remove its supporting structures, poles, transmissions and distribution systems and other appurtenances from the streets, ways, lanes, alleys, parkways, bridges, highways, and other public and private places in, over, under, or along which they are installed and shall restore the areas to their original condition. If such removal is not completed within six (6) months of such lawful termination or revocation, the Township or property owner may deem any property not removed as having been abandoned, and the Township may remove it at Comcast's cost.
- B. During the term of the agreement, if Comcast decides to abandon or no longer use all or part of its cable system, it shall give the Township written notice of its intent at least ninety (90) days prior to the announcement of such decision, which notice shall describe the property and its location. The Township shall have the right to either require Comcast to remove the property, or remove the property itself and charge Comcast with the costs related thereto.
- C. Notwithstanding the above, Comcast shall not be required to remove its cable system, or to relocate the cable system, or to sell the cable system, or any portion thereof as a result of revocation, denial of renewal, or any other lawful action to forbid or disallow Comcast from providing cable services, if the cable system is actively being used to facilitate any other services not governed by the Cable Act.

§ A155-55. Notices.

- A. Every notice or payment to be served upon or made to the Township shall be sent to:
 - A. North Londonderry Township
 - A. Attn: Township Manager
 - A. 655 East Ridge Road
 - A. Palmyra, PA 17078
- B. The Township may specify any change of address in writing to Comcast. Every notice to be served upon Comcast shall be sent to:
 - B. Comcast of Southeast Pennsylvania, LLC
 - B. 15 Summit Park Drive
 - B. Pittsburgh, PA 15275
 - B. Attn: Government Affairs Department
- C. With copies to:
 - C. One Comcast Center

- C. 1701 John F. Kennedy Boulevard
- C. Philadelphia, PA 19103-2838
- C. Attn: Government Affairs Department
- C. and
- C. Comcast
- C. Northeast Division
- C. Attn: Government Affairs Department
- C. 676 Island Pond Road
- C. Manchester, NH 03109
- D. Comcast may specify any changes of contact information, including address, phone number, and e-mail address, in writing, to the Township. Each delivery to Comcast or the Township shall be equivalent to direct personal notice, direction or order, and shall be deemed to have been given at the time of receipt.

§ A155-56. Equal employment opportunity.

Comcast is an equal opportunity employer and shall comply with all applicable federal and state laws and regulations regarding equal opportunity employment.

§ A155-57. Captions.

The captions for sections throughout this agreement are intended solely to facilitate reading and reference to the sections and provisions of this agreement. Such captions shall not affect the meaning or interpretation of this agreement.

§ A155-58. Governing law; venue.

This agreement shall be governed and construed by and in accordance with the laws of the Commonwealth of Pennsylvania. If suit is brought by a party to this agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of Pennsylvania, County of Lebanon, or in the United States District Court for the Eastern District of Pennsylvania.

§ A155-59. Transfer, assignment or change in control.

- A. Neither Comcast nor its parent nor any affiliated entity shall transfer, assign or otherwise encumber, through its own action or by operation of law, its right, title or interest in the cable system or in this agreement without the prior written notice to the Township, provided that such consent shall not be unreasonably withheld.
- B. Neither Comcast nor its parent nor any affiliated entity shall change, transfer or assign, through its own action or by operation of law, its control of the cable system or of this agreement without the prior written consent of the Township, provided that such consent shall not be unreasonably withheld.

- C. Neither Comcast nor its parent nor any affiliated entity shall sell, convey, transfer, exchange or release more than twenty-five percent (25%) of its equitable ownership in the cable system without the prior written consent of the Township, provided that such consent shall not be unreasonably withheld.
- D. No such consent shall be required for:
 - (1) A transfer in trust, by mortgage, hypothecation, or by assignment to a financial institution of any rights, title or interest of Comcast in the franchise or in the cable system in order to secure indebtedness; or
 - (2) A transfer to an entity owned and/or controlled by Comcast.
- E. Comcast shall make written application to the Township of any transfer, change in control or assignment as described above and shall provide all information required by FCC Form 394 and any other applicable federal, state, and local statutes and regulations regarding transfer or assignment. The Township shall have thirty (30) days from the receipt of FCC Form 394 to notify Comcast of any additional information it needs to make an informed decision on the transfer or assignment. The Township shall have one hundred twenty (120) days from the receipt of all required information to take action on the transfer or assignment.
- F. Any consent by the Township for any transfer or assignment described above shall not be effective until the proposed transferee or assignee shall have executed a legally binding document stating that it shall be bound by all the terms and conditions contained in this agreement.

§ A155-60. Entire agreement.

This written instrument contains the entire agreement between the parties, supersedes all prior agreements or proposals whether written or oral except as specifically incorporated herein, and cannot be changed without written amendment approved by both the Township and Comcast. This agreement supersedes all prior cable franchise agreements or cable ordinances, or parts of cable franchise agreements or cable ordinances, that are in conflict with the provisions herein.

§ A155-61. Severability.

If any section, provision or clause of this agreement is held by a court of competent jurisdiction to be illegal, invalid or unenforceable, or is preempted by federal or state laws or regulations, such section, provision or clause shall be deemed to be separable from the remaining portions of this agreement and shall not affect the legality, validity or enforceability of the remaining portions of this agreement.

§ A155-62. No waiver of rights.

- A. No course of dealing between the Township and Comcast, nor any delay on the part of the Township in exercising any rights hereunder, shall operate as a waiver of any such rights of the Township or acquiescence in the actions of Comcast in contravention of such rights, except to the extent expressly waived by the Township.

- B. No course of dealing between Comcast and the Township, nor any delay on the part of Comcast in exercising any rights hereunder, shall operate as a waiver of any such rights of Comcast or acquiescence in the actions of the Township in contravention of such rights, except to the extent expressly waived by Comcast.

§ A155-63. Change of law.

In the event there is a change in a federal or state statute or regulation applicable to the cable system or to this agreement, the Township or Comcast may notify the other party of its desire to amend this agreement in order to comply with the change in statute or regulation. The Township and Comcast may amend this agreement to comply with such change in statute or regulation, provided such amendment is approved by the Township and Comcast.

§ A155-64. Compliance with laws.

Comcast shall comply with all federal, state and local laws and regulations.

§ A155-65. Third-party beneficiaries.

Nothing in this agreement is or was intended to confer third-party beneficiary status on any person other than the parties to this agreement to enforce the terms of this agreement.

§ A155-66. Applicability of agreement.

All of the provisions in this agreement shall bind Comcast, the Township and their respective successors and assigns. This agreement is authorized by Ordinance No. 187, dated December 17, 2018, of the Township Board of Supervisors.

CABLE TELEVISION FRANCHISE

B155 Attachment 1

Township of North Londonderry
[Added 9-16-2024 by Ord. No. 202]

CABLE FRANCHISE RENEWAL AGREEMENT

BETWEEN

TOWNSHIP OF NORTH LONDONDERRY

AND

VERIZON PENNSYLVANIA LLC

NORTH LONDONDERRY CODE

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CABLE TELEVISION FRANCHISE

THIS CABLE FRANCHISE RENEWAL AGREEMENT (the “Franchise” or “Agreement”) is entered into on this _____ (the “Effective Date” as set forth in Section 2.3) by and between the TOWNSHIP OF NORTH LONDONDERRY, Lebanon County, a validly organized and existing political subdivision of the Commonwealth of Pennsylvania (the “Township”), and VERIZON PENNSYLVANIA LLC, a limited liability company duly organized under the applicable laws of the State of Delaware (the “Franchisee”).

WHEREAS, the Franchisee is a “cable operator” and the Township is a “local franchising authority” in accordance with Title VI of the Communications Act (*see* 47 U.S.C. § 522(5), (10)) and the Township is authorized to grant one or more nonexclusive cable franchises to operate a Cable System within the Township pursuant to Title VI of the Communications Act;

WHEREAS, the Township granted to the Franchisee, effective as of November 17, 2008, a nonexclusive initial Franchise to install, maintain, extend, and operate a Cable System in the Township for a term of ten (10) years with a voidable automatic renewal of five (5) years (the “Initial Franchise”);

WHEREAS, the Franchisee has operated a Cable System in accordance with the Initial Franchise as of the Effective Date on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network (“FTTP Network”) in the Township which also transmits Non-Cable Services pursuant to authority granted by applicable state law and Title II of the Communications Act, and which are not subject to Title VI of the Communications Act or this Agreement;

WHEREAS, the Franchisee has requested that the Township renew the Franchisee’s Franchise to provide Cable Service to residents of the Township;

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Township undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal;

WHEREAS, the Township has examined the past performance of the Franchisee and has identified the Township’s future cable-related needs and interests;

WHEREAS, following good faith negotiations between the parties, the Township and the Franchisee have agreed on the terms for a Franchise Renewal Agreement under which the Franchisee will continue to operate its Cable System in the Township; and

WHEREAS, the Township has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations.

NOW, THEREFORE, in consideration of the Township’s grant of a renewal franchise to the Franchisee, the Franchisee’s promise to continue to provide Cable Service to residents of the Service Area pursuant to and consistent with the Communications Act (as hereinafter defined), pursuant to the terms and conditions set forth herein, the promises and undertakings herein, and

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other good and valuable consideration, the receipt and the adequacy of which are hereby acknowledged,

THE SIGNATORIES DO HEREBY AGREE AS FOLLOWS:

1. DEFINITIONS

Except as otherwise provided herein, the definitions and word usages set forth in the Communications Act (as hereinafter defined) are incorporated herein and shall apply in this Agreement. In addition, the following definitions shall apply:

1.1 *Access Channel*: A video Channel that Franchisee shall make available to the Township without charge for educational or governmental use for the transmission of video programming as directed by Township.

1.2 *Affiliate*: Any Person who, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, the Franchisee.

1.3 *Basic Service*: Any service tier that includes the retransmission of local television broadcast signals as well as the EG Channel(s) required by this Franchise.

1.4 *Cable Service or Cable Services*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(6), as may be amended, which currently states: "the one-way transmission to subscribers of video programming or other programming service, and Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service."

1.5 *Cable System or System*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(7), as may be amended, which currently states "a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of 1 or more television broadcast stations; (B) a facility that serves subscribers without using any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of [Title II of this Act], except that such facility shall be considered a cable system (other than for purposes of section 621(c) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; (D) an open video system that complies with section 653 of this title; or (E) any facilities of any electric utility used solely for operating its electric utility system." The Cable System shall be limited to the optical spectrum wavelength(s), bandwidth, or future technological capacity that is used for the transmission of Cable Services directly to Subscribers within the Township and shall not include the tangible network facilities of a common carrier subject in whole or in part to Title II of the Communications Act or of an Information Services provider.

1.6 *Channel*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(4), as may be amended, which currently states "a portion

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of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television channel (as television channel is defined by the FCC by regulation).”

1.7 *Communications Act*: The Communications Act of 1934, as amended.

1.8 *Complaint*: Any written communication, including electronic mail, by a Subscriber expressing dissatisfaction with any aspect of Franchisee’s Cable System or cable operations.

1.9 *Control*: The ability to exercise *de facto* or *de jure* control over day-to-day policies and operations or the management of the Franchisee’s affairs.

1.10 *Customer Service Standards*: The standards for customer service as set forth in Exhibit B.

1.11 *Educational Access Channel*: An Access Channel available for the use of the local schools in the Township.

1.12 *EG*: Educational or Governmental.

1.13 *FCC*: The United States Federal Communications Commission, or successor governmental entity thereto.

1.14 *Fiber to the Premise Telecommunications Network (“FTTP Network”)*: The Franchisee’s network that transmits Non-Cable Services pursuant to the authority granted under the laws of the Commonwealth of Pennsylvania and under Title II of the Communications Act, which Non-Cable Services are not subject to Title VI of the Communications Act, and provides Cable Services from the operation of a Cable System.

1.15 *Force Majeure*: An event or events reasonably beyond the ability of the Franchisee to anticipate and control. This includes, but is not limited to the following: severe or unusual weather conditions, labor strikes, slowdowns, stoppages, and lockouts, war or act of war (whether an actual declaration of war is made or not), insurrection, riots, act of public enemy, including terrorist attacks, orders of the government of the United States or the Commonwealth of Pennsylvania, actions or inactions of any government instrumentality or public utility other than Franchisee (including condemnation to the extent not foreseeable), accidents for which the Franchisee is not responsible, fire, flood, or other acts of God, or work delays caused by waiting for utility providers to service or monitor utility poles to which the Franchisee’s FTTP Network is attached, and unavailability of materials and/or qualified labor to perform the work necessary to the extent that such unavailability of materials and/or qualified labor was reasonably beyond the ability of the Franchisee to foresee or control.

1.16 *Franchisee*: Verizon Pennsylvania LLC, and its lawful and permitted successors, assigns, and transferees.

1.17 *Government Access Channel*: An Access Channel available for the use of the Township for governmental purposes.

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1.18 *Gross Revenue:* All revenue, as determined in accordance with generally accepted accounting principles, which is derived by the Franchisee or its Affiliates, from the operation of the Cable System to provide Cable Service in the Township, including, but not limited to:

- (1) Basic Service fees;
- (2) fees charged to Subscribers for any service tier other than Basic Service;
- (3) fees charged to Subscribers for premium Cable Services;
- (4) fees for video-on-demand and pay-per-view;
- (5) fees charged to Subscribers for any optional, per-channel or per-program Cable Services;
- (6) revenue from the provision of any other Cable Services;
- (7) charges for installation, additional outlets, relocation, disconnection, reconnection and change-in-service fees for video programming;
- (8) fees for changing any level of Cable Service programming;
- (9) fees for service calls;
- (10) early termination fees (solely to the extent such early termination fee can be proportionately attributable to Cable Service);
- (11) fees for leasing of Channels;
- (12) rental of any and all Subscriber equipment, including digital video recorders, converters and remote control devices;
- (13) advertising revenues (on a pro rata basis) as set forth herein;
- (14) revenue from the sale or rental of Subscriber lists;
- (15) revenues or commissions received from the carriage of home shopping channels (on a pro rata basis as set forth herein) subject to Section 1.18.5 below;
- (16) fees for music services that are Cable Services over the Cable System;
- (17) fees for DVR;
- (18) regional sports programming fees;
- (19) late payment fees;

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- (20) NSF check charges;
- (21) Franchise Fees for the provision of Cable Services over the Cable System in the Township; and
- (22) foregone revenue that the Franchisee chooses not to receive in exchange for trades, barter, services, or other items of value consistent with Section 1.18.8, below.

For the avoidance of doubt, advertising revenues shall include the amount of the Franchisee's gross advertising revenue calculated in accordance with generally accepted accounting principles (i.e., without deducting commissions paid to independent third parties). Advertising and home shopping revenue, as described in Sections 1.18(13) and (15) above, is based upon the ratio of the number of Subscribers as of the last day of the period for which Gross Revenue is being calculated to the number of the Franchisee's subscribers within all areas covered by the particular revenue source as of the last day of such period. By way of illustrative example, the Franchisee sells two ads: Ad "A" is broadcast nationwide; Ad "B" is broadcast only within Pennsylvania. The Franchisee has 100 Subscribers in the Township, 500 subscribers in Pennsylvania, and 1,000 subscribers nationwide. Gross Revenue as to the Township from Ad "A" is 10% of the Franchisee's revenue therefrom. Gross Revenue as to the Township from Ad "B" is 20% of the Franchisee's revenue.

Gross Revenue shall not include:

1.18.1 Revenues received by any Affiliate or other Person in exchange for supplying goods or services used by the Franchisee to provide Cable Service over the Cable System;

1.18.2 Bad debts written off by the Franchisee in the normal course of its business, provided, however, that bad debt recoveries shall be included in Gross Revenue during the period collected;

1.18.3 Refunds, rebates, or discounts made to Subscribers or other third parties;

1.18.4 Any revenues classified, in whole or in part, as Non-Cable Services revenue under federal or state law including, without limitation, revenue received from Telecommunications Services; revenue received from Information Services, including, without limitation, Internet Access service, electronic mail service, internet-derived electronic bulletin board service, or similar online computer services; charges made to the public for commercial or cable television that is used for two-way communication that are classified as Non-Cable Services; and any other revenues classified as Non-Cable Services in accordance with applicable laws or regulations;

1.18.5 Any revenue of the Franchisee or any other Person that is received directly from the sale of merchandise through any Cable Service distributed over the Cable System, notwithstanding that portion of such revenue which represents or can be attributed to a Subscriber

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fee or a payment for the use of the Cable System for the sale of such merchandise, which portion shall be included in Gross Revenue;

1.18.6 The sale of Cable Services on the Cable System for resale in which the purchaser is required to collect cable franchise fees from purchaser's customer;

1.18.7 Any tax of general applicability imposed upon the Franchisee or upon Subscribers by a local, state, federal, or any other governmental entity and required to be collected by the Franchisee and remitted to the taxing entity (including, but not limited to, sales/use tax, gross receipts tax, excise tax, utility users tax, public service tax, communication taxes, and non-cable franchise fees);

1.18.8 Any forgone revenue that the Franchisee chooses not to receive in exchange for its provision of free or reduced cost cable or other communications services to any Person, including without limitation, employees of the Franchisee and public institutions or other institutions designated in the Franchise; provided, however, that such forgone revenue that the Franchisee chooses not to receive in exchange for trades, barter, services, or other items of value shall be included in Gross Revenue;

1.18.9 Sales of capital assets or sales of surplus equipment that are not deemed to be a Cable Service;

1.18.10 Program launch fees;

1.18.11 Directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement, and electronic publishing; and

1.18.12 Any fees or charges collected from Subscribers or other third parties for any EG grant.

1.19 *Information Services*: Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. §153(20), as may be amended in the future, which states "the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service."

1.20 *Internet Access*: Dial-up or broadband access service that enables Subscribers to access the Internet.

1.21 *Non-Cable Services*: Any service that is not a Cable Service as defined herein, including, but not limited to, Information Services and Telecommunications Services.

1.22 *Normal Operating Conditions*: Those service conditions that are within the control of the Franchisee. Those conditions that are not within the control of the Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions that are ordinarily within the control of the Franchisee include, but are not limited to, special promotions, pay-per-

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view events, rate increases, regular peak or seasonal demand periods, and maintenance or rebuild of the Cable System. *See* 47 C.F.R. § 76.309(c)(4)(ii).

1.23 *Person*: An individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

1.24 *Public Rights-of-Way*: The surface and the area across, in, over, along, upon, and below the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys, and boulevards, including public utility easements and public lands and waterways used as Public Rights-of-Way, as the same now or may thereafter exist, which are under the jurisdiction or control of the Township. Public Rights-of-Way do not include the airwaves above a right-of-way with regard to cellular or other non-wire communications or broadcast services.

1.25 *Service Area*: All portions of the Township where Cable Service is being offered.

1.26 *Service Interruption*: The loss of picture or sound on one or more cable channels.

1.27 *Subscriber*: A Person who lawfully receives Cable Service over the Cable System with the Franchisee's express permission.

1.28 *Telecommunications Facilities*: Franchisee's existing Telecommunications Services and Information Services facilities and its FTTP Network facilities.

1.29 *Telecommunication Services*: Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. § 153(46), as may be amended in the future, which states "the offering of telecommunications for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the facilities used."

1.30 *Title II*: Title II of the Communications Act, Common Carriers, as amended, which governs the provision of Telecommunications Services.

1.31 *Title VI*: Title VI of the Communications Act, Cable Communications, as amended, which governs the provision of Cable Services by Franchisee.

1.32 *Township*: The incorporated area (entire existing territorial limits) of the Township and such additional areas as may be included in the corporate (territorial) limits of the Township during the term of this Franchise.

1.33 *Transfer of the Franchise*:

1.33.1 Any transaction in which:

1.33.1.1 the right, title, control or other interest in the Franchisee is transferred, directly or indirectly, from one Person or group of Persons to another Person or group of Persons, so that control of the Franchisee is transferred; or

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1.33.1.2 at least thirty percent (30%) of the equitable ownership of the Franchisee is transferred or assigned; or

1.33.1.3 the rights held by the Franchisee pursuant to this Agreement are transferred or assigned to another Person or group of Persons.

1.33.2 However, notwithstanding subsections 1.33.1.1, 1.33.1.2, and 1.33.1.3, a *Transfer of the Franchise* shall not include transfer of an ownership or other interest in the Franchisee to the parent of the Franchisee or to another Affiliate of the Franchisee; transfer of an interest in the Franchise or the rights held by the Franchisee under the Franchise to the parent of the Franchisee or to another Affiliate of the Franchisee; any action that is the result of a merger of the parent of the Franchisee; or any action that is the result of a merger of another Affiliate of the Franchisee.

1.34 *Video Programming*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(20), which currently states programming provided by, or generally considered comparable to programming provided by a television broadcast station.

1.35 *Video Service Provider or VSP*: Any entity using wired facilities occupying a substantial portion of the Public Rights-of-Way as the primary means of delivery to provide Video Programming services to multiple subscribers within the territorial boundaries of the Township, for purchase, barter, or free of charge, regardless of the transmission method, facilities or technologies used. A VSP shall include, but is not limited to, any entity that provides Cable Services, Video Programming services or internet-protocol based services within the territorial boundaries of the Township.

2. **GRANT OF AUTHORITY; LIMITS AND RESERVATIONS**

2.1 *Grant of Authority*: Subject to the terms and conditions of this Agreement and applicable laws and regulations, the Township hereby grants to the Franchisee the right to own, construct, operate, and maintain a Cable System to provide Cable Services along the Public Rights-of-Way within the Township. No privilege or power of eminent domain is bestowed or waived by this grant. Furthermore, consistent with Section 2.2 below, the Township's grant of authority to provide Cable Services pursuant to this Franchise does not include the authority to provide any Non-Cable Services.

2.2 *Township's Regulatory Authority*: The parties recognize that the Franchisee's FTTP Network has been constructed and is operated and maintained as an upgrade to and/or extension of its existing Telecommunications Facilities for the provision of Non-Cable Services. The jurisdiction of the Township over the Franchisee's Telecommunications Facilities is governed by federal and state law, and the Township will not assert jurisdiction over the Franchisee's FTTP Network in contravention of those laws. Therefore, as provided in Section 621 of the Communications Act, 47 U.S.C. § 541, the Township's regulatory authority under Title VI of the Communications Act is not applicable to the construction, installation, maintenance, or operation of the Franchisee's FTTP Network to the extent the FTTP Network is constructed, installed, maintained, or operated for the purpose of upgrading and/or extending Verizon's existing

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Telecommunications Facilities for the provision of Non-Cable Services. This Agreement shall not be construed to limit whatever existing regulatory authority the Township may have under federal and state law with respect to the FTTP Network facilities.

2.3 *Term:* This Franchise shall become effective on _____, 2024 (the "Effective Date"). The term of this Franchise shall be five (5) years from the Effective Date until _____ unless the Franchise is earlier terminated by Franchisee pursuant to the terms of Sections 2.4 or 2.5 of this Agreement or revoked by the Township pursuant to Section 12.4 of this Agreement.

2.4 *Termination Generally:* If, at any time during the renewal Term, Franchisee experiences a net decline of six percent (6%) or greater of its Subscribers in the Franchise Area in any prior twelve (12) month period (for purposes of clarification, any such twelve (12) month evaluation period shall not commence prior to the Effective Date), Franchisee shall thereafter have the right to terminate the Franchise upon twelve (12) months' written notice to the Township.

2.5 *Modification/Termination Based on VSP Requirements/Competitive Equity:*

2.5.1 If there is a change in federal, state, or local law that reduces any material financial and/or operational obligation that the Township has required from or imposed upon a VSP, or if the Township enters into any franchise, agreement, license, or grant of authorization to a VSP to provide Video Programming services to residential subscribers in the Township and the agreement, license or grant of authorization, taken as a whole upon consideration of all of its material obligations, is less burdensome than those imposed by this Franchise, Franchisee and the Township shall, within sixty (60) days of the Township's receipt of Franchisee's written notice, commence negotiations to modify this Franchise to create reasonable competitive equity between Franchisee and such other VSPs.

2.5.2 Franchisee's notice pursuant to Section 2.5.1. shall specify the change in law and the resulting change in obligations. Franchisee shall respond to reasonable information requests from the Township, as may be necessary to review the change in obligations resulting from the cited law.

2.6 *Grant Not Exclusive:* The Franchise and the rights granted herein to use and occupy the Public Rights-of-Way to provide Cable Services shall not be exclusive, and the Township reserves the right to grant other franchises for similar uses or for other uses of the Public Rights-of-Way, or any portions thereof, to any Person, or to make any such use itself, at any time during the term of this Franchise. Any such rights that are granted shall not materially interfere with existing facilities of the Cable System or the Franchisee's FTTP Network.

2.7 *Franchise Subject to Federal, State, and Local Law:* Notwithstanding any provision to the contrary herein, this Franchise is subject to and shall be governed by all applicable provisions of federal, state, and local laws and regulations.

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2.8 *No Waiver:*

2.8.1 The failure of the Township on one or more occasions to exercise a right or to require compliance or performance under this Franchise, the Communications Act, or any other applicable state or federal law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by the Township, nor to excuse the Franchisee from complying or performing, unless such right or such compliance or performance has been specifically waived in writing.

2.8.2 The failure of the Franchisee on one or more occasions to exercise a right under this Franchise or applicable law, or to require performance under this Franchise, shall not be deemed to constitute a waiver of such right or of performance of this Agreement, nor shall it excuse the Township from performance, unless such right or performance has been specifically waived in writing.

2.9 *Construction of Agreement:*

2.9.1 The provisions of this Franchise shall be liberally construed to effectuate their objectives.

2.9.2 Nothing herein shall be construed to limit the scope or applicability of Section 625 Communications Act, 47 U.S.C. § 545.

2.9.3 Should any change to federal or state law have the lawful effect of materially altering the terms and conditions of this Agreement making it commercially impracticable for Franchisee to continue the provision of Cable Services in the Township, then the parties shall modify this Franchise to the mutual satisfaction of both parties to ameliorate the negative effects on the Franchisee and the Township of the material alteration. Any modification to this Franchise shall be in writing and signed by both parties. If the parties cannot reach agreement on the above-referenced modification to the Franchise, then upon either party's initiative, the parties agree to submit the matter to binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association.

2.10 *Police Powers:* Nothing in this Franchise shall be construed to prohibit the reasonable, necessary, and lawful exercise of the police powers of the Township. The Township shall not subject the Franchisee to any ordinances or regulations that are that are in conflict with this Franchise.

2.11 *Compliance with Federal and State Privacy Laws:* Franchisee shall comply with the privacy provisions of Section 631 of the Communications Act, 47 U.S.C. §551, and all other applicable federal and state privacy laws and regulations. The parties agree that, during the term hereof, Franchisee shall not be subject to any local laws or ordinances which, directly or indirectly, conflict with or exceed the scope of such applicable federal and/or state privacy laws.

2.12 *Permits:* Nothing herein shall be construed to limit the Township's lawful authority to require permits and applicable fees for certain activities in the Public Rights-of-Way;

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provided, however, that the Franchisee shall not be required to obtain permits for Cable Service drops for individual Subscribers.

3. **PROVISION OF CABLE SERVICE**

3.1 *Service Area:*

3.1.1 *Service Area:* Subject to the issuance of all necessary permits by the Township, the Franchisee shall offer Cable Service to all residential households in the Service Area and may make Cable Service available to businesses in the Service Area, except: (A) for periods of Force Majeure; (B) for periods of unreasonable delay caused by the Township; (C) for periods of delay resulting from the Franchisee's inability to obtain authority to access rights-of-way in the Service Area; (D) in areas where developments, buildings or other residential dwelling units are subject to claimed exclusive arrangements with other providers; (E) in areas, developments, buildings or other residential dwelling units where the Franchisee cannot gain access under reasonable terms and conditions after good faith negotiation, as reasonably determined by the Franchisee; (F) in areas, developments, buildings or other residential dwelling units where the Franchisee is unable to provide Cable Service for technical reasons or which require non-standard facilities which are not available on a commercially reasonable basis, including, but not limited to, circumstances where the Franchisee cannot access the areas, developments, buildings or other residential dwelling units by using the Franchisee's existing network pathways and which would thus require the construction of new trunk, feeder, or distribution lines; (G) in areas where the occupied residential household density does not meet the density requirements set forth in subsection 3.1.1.1; and (H) in areas, developments, buildings or other residential dwelling units that are not habitable or have not been constructed as of the Effective Date.

3.1.1.1 *Density Requirement:* Subject to Section 3.1.1, above, the Franchisee shall make Cable Services available to residential dwelling units in all areas of the Township where the minimum density is thirty (30) occupied residential dwelling units per mile as measured in strand footage from the nearest technically feasible point on the active FTTP Network trunk or feeder line.

3.2 *Availability of Cable Service:* Franchisee shall make Cable Service available to all residential dwelling units and may make Cable Service available to businesses within the Service Area in conformance with Section 3.1, the Franchisee shall not discriminate between or among any individuals in the availability of Cable Service. In the areas in which the Franchisee shall provide Cable Service, the Franchisee shall be required to connect, at the Franchisee's expense, other than a standard installation charge, all residential dwelling units that are within two hundred (200) feet of trunk or feeder lines not otherwise already served by the Franchisee's FTTP Network. The Franchisee shall be allowed to recover, from a Subscriber that requests such connection, no more than the actual costs incurred in excess of two hundred (200) feet for residential dwelling unit connections that exceed two hundred (200) feet and actual costs incurred to connect any non-residential dwelling unit Subscriber.

3.3 *Cable Service to Public Buildings:* Subject to the applicable provisions of the FCC's 2019 Third Report and Order In the Matter of Implementation of Section 621 of the

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Cable Act (the “621 Order”), as such 621 Order may be in effect and/or amended during the term of this License, if requested in writing by the Township, Franchisee shall provide in a reasonable amount of time and after notifying the Township of the process by which it will implement the 621 Order’s requirements regarding the provision of free Cable Service to public buildings under a cable franchise, one Cable Service drop, an outlet, and monthly Basic Service along its activated Cable System route in the Township at no cost to public schools, police and fire stations, public libraries, and other public buildings designated in writing by the Township. All such written designations shall include the street address of each building. The current designation of such buildings and their addresses is set forth in Exhibit A. The Franchisee shall coordinate the location of each outlet with representatives for each of the buildings receiving service pursuant to this Section.

4. **SYSTEM FACILITIES**

4.1 *Technical Requirement:* The Cable System shall meet or exceed any and all applicable technical performance standards of the FCC, the National Electrical Safety Code, the National Electric Code and any other applicable federal laws and the laws of the Commonwealth of Pennsylvania, to the extent not in conflict with federal law and regulations.

4.2 *System Characteristics:* The Franchisee’s Cable System shall meet or exceed the following requirements:

4.2.1 The Cable System shall be operated with operated with an initial digital carrier passband between 57 and 861 MHz.

4.2.2 The Cable System shall be operated as an active two-way system that allocates sufficient portion of said bandwidth to deliver reliable two-way Cable Services.

4.2.3 The Cable System must conform to all applicable FCC technical performance standards, as amended from time to time, and any other future applicable technical performance standards, and shall comply with all technical standards of the following:

4.2.3.1 National Electrical Code (NEC);

4.2.3.2 National Electrical Safety Code (NESC).

4.3 *Interconnection:* The Franchisee shall operate its Cable System so that it may be interconnected with other cable systems in the Township. Interconnection of systems may be made by direct cable connection, microwave link, satellite, or other appropriate methods.

4.4 *No Interference:* The Cable System shall be operated in such a manner as to comply with all applicable FCC requirements regarding (i) consumer electronic equipment and (ii) interference with the reception of off-the-air signals of licensed FCC operators.

4.5 *Standby Power:* The System shall incorporate equipment capable of providing standby powering of the System.

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4.6 *Emergency Alert System:* The Franchisee shall comply with the applicable requirements of the FCC with respect to the operation of an Emergency Alert System ("EAS") requirements of the FCC and applicable state and local EAS plans in order that emergency messages may be distributed over the Cable System.

5. EG SERVICES

5.1 *EG Set Aside; Interconnection:*

5.1.1 In order to ensure universal availability of Educational and Government Access programming, Franchisee shall reserve on the Basic Service Tier capacity for the use of one (1) dedicated Educational Access Channel and one (1) dedicated Government Access Channel (collectively, "EG Channels") for exclusive use by the Township or its designee. The Township will comply with all laws and regulations related to use of the EG Channels. The parties agree that Franchisee shall retain the right to utilize all such reserved EG Channel capacity, in its sole discretion, during the Term of this Franchise until such time as the Township begins using the EG Channel pursuant to Section 5.1.2 for educational and/or governmental purposes and/or if the Township ceases to use the Access Channel(s) during the term of this Agreement.

5.1.2 The Township reserves the right to obtain from the Franchisee, upon one hundred and twenty (120) days written notice, one EG Channel for exclusive use by the Township. Such notification shall constitute authorization to the Franchisee to transmit such programming within and without the Township. The Franchisee shall assign the EG Channel number to the extent such channel number assignments do not interfere with the Franchisee's existing or planned channel number line-up and contractual obligations, provided it is understood that the Franchisee specifically reserves the right to make such assignments in its sole discretion. The EG Channel shall be used for community programming related to educational and/or governmental activities. The Township shall have complete control over the content, scheduling, and administration of the EG Channel and may delegate such functions, or a portion of such functions, to an appropriate designee. The Franchisee shall not exercise any editorial control over EG Channel programming. If an EG Channel provided under this Article is not being utilized by the Township, the Franchisee may utilize such EG Channel, in its sole discretion, after receiving written approval by the Township until such time as the Township elects to utilize the EG Channel for its intended purpose. In the event that the Township decides to exercise its right to use EG capacity, the Township shall provide the Franchisee with ninety (90) days' prior written notice of such request.

5.1.3 The Township shall comply with the law regarding the non-commercial use of EG Channels.

5.2 The Township and/or its designee shall be solely responsible for operating its switching equipment and the picture and audio quality of all EG Channel programming up to the demarcation points and for ensuring all EG Channel programming is inserted on the appropriate upstream EG Channel. All EG Channel programming shall be transmitted to the Franchisee in baseband or SD-SDI format with either mono or stereo audio signals, and with signals received by Franchisee in stereo cablecast by Franchisee in stereo. Notwithstanding the foregoing, the Franchisee shall not be obligated to provide the Township or its designee with either

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cablecast equipment and facilities or the personnel responsible for maintaining and operating equipment and facilities on the Township's side of the demarcation point and used to generate or administer any EG Channel access signals, except as necessary to implement the Franchisee's responsibilities specified herein. The Township and the Franchisee shall work together in good faith to resolve any connection issues. If the Township issues a franchise to, or renews a franchise with, a competing VSP, the competing VSP may not connect its system to Franchisee's System for the purposes of obtaining EG Channel programming from the EG Channels transmitted on Franchisee's System without Franchisee's prior written consent.

5.2.1 Franchisee may, in its sole discretion, use reasonable efforts to interconnect its Cable System with the existing cable operator(s). If interconnection is pursued, Franchisee may, in its sole discretion, use reasonable efforts to interconnect its Cable System with the existing cable operator(s). If interconnection is pursued, for purposes of providing EG Channels, no earlier than twelve (12) months after written notice by the Township to activate an EG channel, the Township may require the Franchisee to provide a video link, without charge to the Township, to a location within the Township where EG Access programming is originated for the purpose of cablecasting EG programming; provided, however, that the Franchisee shall not be obligated to provide the Township with either cablecast equipment and facilities or personnel responsible for maintaining and operating such equipment and facilities or generating any such EG programming.

5.3 *Indemnity for EG:* The Township shall require all local producers and users of any of the EG facilities or Channels to agree in writing to authorize the Franchisee to transmit programming consistent with this Agreement and to defend and hold harmless the Franchisee and the Township from and against any and all liability or other injury, including the reasonable cost of defending claims or litigation, arising from or in connection with claims regarding an EG programming facility, not including the actual FTTP Network, or Channel or EG Channel programming, including claims for failure to comply with applicable federal laws, rules, regulations or other requirements of local, state, or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of any trademark, trade name, or service mark; for breach of contractual or other obligations owing to third parties by the producer or user; and for any other injury or damage in law or equity. The Township shall establish rules and regulations for use of EG facilities, consistent with, and as required by, Section 611 of the Communications Act, 47 U.S.C. § 531. Notwithstanding the foregoing, the Township shall not indemnify the Franchisee for any damages, liability, or claims resulting from acts of willful misconduct or negligence of the Franchisee, its officers, employees, or agents.

5.3.1 *Recovery of Costs:* The Franchisee shall be allowed to recover any costs arising from the provision of EG services as set forth in 47 U.S.C. § 622, and to include such costs as a separately billed line item on each Subscriber's bill. Without limiting the foregoing, if allowed under state and federal laws, Franchisee may externalize, line-item, or otherwise pass-through interconnection costs to Subscribers.

CABLE TELEVISION FRANCHISE

6. **FRANCHISE FEES**

6.1 *Payment to the Township:* The Franchisee shall pay to the Township a franchise fee of five percent (5%) of annual Gross Revenue. In accordance with Title VI of the Communications Act, the twelve (12) month period applicable under the Franchise for the computation of the Franchise fee shall be a calendar year. Such payments shall be made no later than forty-five (45) days following the end of each calendar quarter. Specifically, payments shall be due and payable on or before May 15 (for the first quarter), August 15 (for the second quarter), November 15 (for the third quarter), and February 15 (for the fourth quarter). In the event that any Franchise Fee payment is not made on or before the applicable dates, then interest shall be added at the rate of six percent (6%) of the amount of Franchise Fee revenue due to the Township. No acceptance of any payment shall be construed as an accord that the amount paid is the correct amount. The Franchisee shall be allowed to submit or correct any payments that were incorrectly omitted, and shall credit any payments that were incorrectly submitted, in connection with the quarterly Franchise Fee remittances within ninety (90) days following the close of the calendar year for which such payments were applicable. If the Township issues or renews any cable franchise(s) after the Effective Date that provide(s) for a lower percentage of a Franchise Fee, then the percentage of the Franchisee's Franchise Fee payments shall be immediately thereafter reduced to match such lower percentage over that same time period.

6.2 *Supporting Information:* Each Franchise Fee payment shall be accompanied by a brief report that provides line items for revenue sources and the amount of revenue received from each source and is verified by a financial manager of the Franchisee showing the basis for the computation.

6.3 *Limitation on Franchise Fee Actions:* The parties agree that the period of limitation for recovery of any Franchise Fee payable hereunder shall be forty-eight (48) months from the date on which the applicable payment by the Franchisee is due.

6.4 *Audits:*

6.4.1 The Township may audit or conduct a Franchise Fee review of the Franchisee's books and records pertaining directly to the Franchisee's payment of Franchise Fees in the Township no more than once every three (3) years during the Term. Any audit shall be initiated through written notice to the Franchisee by the Township, and the Township or any auditor employed by the Township shall submit its complete request for records within sixty (60) days of the Township's notice; provided, however, that the parties shall work cooperatively on an ongoing basis during the audit review in the event the Township or its designated auditor identifies reasonable follow-up records requests to the extent necessary to complete the audit. Subject to the confidentiality provisions of Section 8.1, and execution of a non-disclosure agreement with the Township or an auditor employed by the Township, all records reasonably necessary for any such audit shall be made available by the Franchisee to the Township, in accordance with Section 8.1 hereof, at a designated office of the Franchisee or such other location in the eastern region of the Commonwealth of Pennsylvania mutually agreed upon by the parties.

6.4.2 The Franchisee shall provide the records reasonably necessary for the audit and requested by the Township in a timely manner. Any such audit conducted by the

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Township or auditor employed by the Township shall be completed in a timely manner. If upon completion of the audit, the Township does not make a claim for additional payments, then the Township shall provide the Franchisee with written documentation of closure of the audit. The Township's claim for additional Franchise Fee payments or its written notice of the audit closure shall be provided to the Franchisee within sixty (60) days from the date on which the audit is completed by the Township or its auditor in accordance subsection 6.4.1, above, or by such other date as is mutually agreed to by the parties.

6.4.3 Each party shall bear its own costs of an audit; provided, however, that if the results of any audit indicate that the Franchisee underpaid the Franchise Fees by five percent (5%) or more, then the Franchisee shall pay the reasonable, documented, out-of-pocket costs of the audit up to three thousand dollars (\$3,000).

6.4.4 If the results of an audit indicate an underpayment of franchise fees, the parties agree that such underpayment shall be remitted to the Township within forty-five (45) days; provided, however, that the Franchisee shall be required to remit underpayments to the Township together with interest at six percent (6%) of the amount correctly due from the date such underpayment would have been due.

6.4.5 Any entity employed by the Township that performs the audit or franchise fee review shall be a professional firm with recognized expertise in auditing franchise fees and shall not be permitted to be compensated on a success-based formula *e.g.* payment based on an underpayment of fees, if any.

6.5 *Bundled Services:* If Cable Services are provided to Subscribers in conjunction with Non-Cable Services, then the calculation of Gross Revenues shall be adjusted, if needed, to include only the value of the Cable Services billed to Subscribers, as reflected on the books and records of the Franchisee in accordance with FCC rules, regulations, standards, or orders. Franchisee agrees that it will not intentionally or unlawfully allocate such revenue for the purpose of evading payments under this Franchise. The parties agree that tariffed Telecommunications Services that cannot be discounted by state or federal law or regulation are to be excluded from the bundled discount allocation basis.

7. **CUSTOMER SERVICE**

Customer Service Requirements are set forth in Exhibit B. Such Requirements may be amended by written consent of the parties.

8. **REPORTS AND RECORDS**

8.1 *Open Books and Records:* Upon thirty (30) days' written notice to the Franchisee, the Township shall have the right to inspect the Franchisee's books and records pertaining to this Agreement or the Franchisee's provision of Cable Service in the Township at any time during Franchisee's regular business hours as are reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the section or subsection of the Franchise that is under review, so that the Franchisee may organize the necessary books and records for appropriate access by the Township. The books and records to

CABLE TELEVISION FRANCHISE

be made available for inspection by the Township shall be made available for inspection at a designated office of the Franchisee or such other location in the eastern region of the Commonwealth of Pennsylvania mutually agreed upon by the parties. The Franchisee shall not be required to maintain any books and records for Franchise compliance purposes longer than forty-eight (48) months. Notwithstanding anything to the contrary set forth herein, the Franchisee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose any of its or an Affiliate's books and records not relating to this Agreement or to the provision of Cable Service in the Township. If the Franchisee claims any information to be proprietary or confidential, it shall identify the information and provide an explanation as to the reason it is claimed to be confidential or proprietary. The Township shall treat any information disclosed by the Franchisee as confidential so long as it is permitted to do so under applicable law, and shall only disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Franchisee shall not be required to provide Subscriber information in violation of Section 631 of the Communications Act, 47 U.S.C. § 551.

8.2 *Records Required:* The Franchisee shall at all times maintain the following, which may be inspected pursuant to Section 8.1 above:

8.2.1 Records of all Complaints for a period of forty-eight (48) months after receipt by the Franchisee. Complaints recorded will not be limited to complaints requiring an employee service call;

8.2.2 Records of Significant Outages (as defined in the Customer Service Standards attached as Exhibit B) for a period of forty-eight (48) months after occurrence, indicating date, duration, area, and the number of Subscribers affected, type of outage, and cause;

8.2.3 Records of service calls for repair and maintenance for a period of forty-eight (48) months after resolution by the Franchisee, indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was resolved; and

8.2.4 Records of installation/reconnection and requests for service extension for a period of forty-eight (48) months after the request was fulfilled by the Franchisee, indicating the date of request, date of acknowledgment, and the date and time service was extended.

9. INSURANCE AND INDEMNIFICATION

9.1 *Insurance:*

9.1.1 The Franchisee shall maintain in full force and effect, at its own cost and expense, during the Franchise term, the following insurance coverage:

9.1.1.1 Commercial General Liability Insurance in the amount of three million dollars (\$3,000,000) per occurrence for property damage and bodily injury. Such

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insurance shall cover the construction, operation, and maintenance of the Cable System, and the conduct of the Franchisee's Cable Service business in the Township.

9.1.1.2 Automobile Liability Insurance in the amount of one million dollars (\$1,000,000) combined single limit each accident for bodily injury and property damage coverage.

9.1.1.3 Workers' Compensation Insurance meeting all legal requirements of the Commonwealth of Pennsylvania and Employers' Liability Insurance in the following amounts: (A) Bodily Injury by Accident: one hundred thousand dollars (\$100,000); and (B) Bodily Injury by Disease: one hundred thousand dollars (\$100,000) employee limit; five hundred thousand dollars (\$500,000) disease policy limit.

9.1.2 The Township shall be included as an additional insured as its interest may appear under this Franchise on Commercial General Liability and Automobile Liability insurance policies.

9.1.3 Upon receipt of notice of cancellation from its insurer, the Franchisee shall provide the Township with thirty (30) days' prior written notice of such cancellation.

9.1.4 Each of the required insurance policies shall be with insurers qualified to do business in the Commonwealth of Pennsylvania, with an A-VII or better rating for financial condition and financial performance by Best's Key Rating Guide, Property/Casualty Edition.

9.1.5 Upon written request, the Franchisee shall deliver to the Township Certificates of Insurance showing evidence of the required coverage.

9.2 *Indemnification:*

9.2.1 The Franchisee agrees to indemnify, save and hold harmless, and defend the Township, its elected and appointed officials, officers, agents, boards, and employees, from and against any and all claims for injury, loss, liability, cost or expense arising in whole or in part from, incident to, or connected with any act or omission of the Franchisee, its officers, agents, or employees, including the acts or omissions of any contractor or subcontractor of the Franchisee, arising out of the construction, operation, upgrade, or maintenance of its Cable System. The obligation to indemnify, save, hold harmless and defend the Township shall include the obligation to pay judgments, injuries, liabilities, damages, penalties, expert fees, court costs and Franchisee's own attorney's fees. The Township shall give the Franchisee timely written notice of the Township's request for indemnification within (a) thirty (30) days of receipt of a claim or action pursuant to this subsection or (b) ten (10) days following service of legal process on the Township or its designated agent of any action related to this subsection. The Township agrees that it will take all necessary action to avoid a default judgment. Notwithstanding the foregoing, the Franchisee shall not indemnify the Township for any damages, liability, or claims resulting from, and Township shall be responsible for, Township's own acts of willful misconduct, the

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Township's breach of obligation under the Franchise, or negligence of the Township, or its elected and appointed officials, officers, agents, boards, and employees.

9.2.2 With respect to the Franchisee's indemnity obligations set forth in subsection 9.2.1, the Franchisee shall provide the defense of any claims brought against the Township by selecting counsel of the Franchisee's choice to defend the claim, subject to the consent of the Township, which shall not unreasonably be withheld. Nothing herein shall be deemed to prevent the Township from cooperating with the Franchisee and participating in the defense of any litigation by its own counsel at its own cost and expense, provided however, that after consultation with the Township, the Franchisee shall have the right to defend, settle, or compromise any claim or action arising hereunder, and the Franchisee shall have the authority to decide the appropriateness and the amount of any such settlement. In the event that the terms of any such proposed settlement include the release of the Township, and the Township does not consent to the terms of any such settlement or compromise, the Franchisee shall not settle the claim or action, but its obligation to indemnify the Township shall in no event exceed the amount of such settlement.

10. **TRANSFER OF FRANCHISE**

Transfer: Subject to Section 617 of the Communications Act, 47 U.S.C. § 537, and applicable federal regulations, no Transfer of the Franchise shall occur without the prior consent of the Township, provided that such consent shall not be unreasonably conditioned or withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, by assignment of any rights, title, or interest of the Franchisee in the Franchise or Cable System in order to secure indebtedness, or for transactions otherwise excluded under Section 1.33 above.

11. **RENEWAL OF FRANCHISE**

The Township and the Franchisee agree that any proceedings undertaken by the Township that relate to the renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Communications Act, 47 U.S.C. § 546.

12. **ENFORCEMENT AND TERMINATION OF FRANCHISE**

12.1 *Notice of Non-Compliance:* If at any time the Township believes that the Franchisee has not complied with the terms of the Franchise, the Township shall informally discuss the matter with the Franchisee. If these discussions do not lead to resolution of the problem in a reasonable time, the Township shall then notify the Franchisee in writing of the exact nature of the alleged noncompliance (for purposes of this Article, the "Noncompliance Notice"). If the Township does not notify the Franchisee of any alleged noncompliance, it shall not operate as a waiver of any rights of the Township hereunder or pursuant to applicable law.

12.2 *Franchisee's Right to Cure or Respond:* The Franchisee shall have thirty (30) days from receipt of the Noncompliance Notice to: (i) respond to the Township in writing, if Franchisee contests (in whole or in part) the assertion of noncompliance; (ii) cure such noncompliance; or (iii) in the event that, by its nature, such noncompliance cannot be cured within

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such thirty (30) day period, initiate reasonable steps to remedy such noncompliance, diligently pursue such remedy to completion, and notify the Township of the steps being taken and the date by which they are projected to be completed. Upon cure of any noncompliance, the Township shall provide written confirmation that such cure has been effected.

12.3 *Additional Enforcement Measures:* Subject to applicable federal, state and local law, in the event the Township determines that the Franchisee is in default of any provision of this Franchise, the Township may:

12.3.1 Commence an action at law for monetary damages or seek other equitable relief; or

12.3.2 In the case of a substantial noncompliance with a material provision of this Franchise, seek to revoke the Franchise in accordance with Section 12.4 below.

12.4 *Revocation:* Should the Township seek to revoke this Agreement, the Township shall give written notice to the Franchisee of such intent. The notice shall set forth the specific nature of the noncompliance. The Franchisee shall have sixty (60) days from receipt of such notice to object in writing and to state its reasons for such objection. In the event the Township has not received a satisfactory response from the Franchisee, it may then seek termination of this Agreement at a public hearing. The Township shall cause to be served upon the Franchisee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing.

12.4.1 At any designated public hearing at which the Township has informed the Franchisee that revocation is a possible consequence in accordance with the written notice requirements, the Franchisee shall be provided a fair opportunity for full participation, including the rights to be represented by legal counsel, to introduce relevant evidence, and to require the production of evidence. A complete verbatim record and transcript shall be made of such hearing at the Franchisee's sole cost and expense.

12.4.2 Following the public hearing, the Franchisee shall be provided up to thirty (30) days to submit its proposed findings and conclusions to the Township in writing, and thereafter the Township shall provide a written determination to the Franchisee setting forth: (i) whether an event of default has occurred under this Agreement; (ii) whether such event of default is excusable; and (iii) whether such event of default has been cured by the Franchisee. The Township shall also determine whether it will revoke the Franchise based on the information presented or, in the discretion of the Township, grant additional time to the Franchisee to effect any cure. If the Township determines that it will revoke the Franchise, the Township shall promptly provide the Franchisee with a written determination setting forth the Township's reasoning for such revocation. The Franchisee may appeal such written determination of the Township to an appropriate court of competent jurisdiction, which will have the power to review the determination of the Township consistent with applicable law. Franchisee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within the time frame permitted by law.

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13. MISCELLANEOUS PROVISIONS

13.1 *Actions of Parties:* In any action by the Township or the Franchisee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner.

13.2 *Binding Acceptance:* This Agreement shall bind and benefit the parties hereto and their respective receivers, trustees, successors, and assigns.

13.3 *Force Majeure:* The Franchisee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by a Force Majeure.

13.3.1 *Good Faith Error:* The parties hereby agree that it is not the Township's intention to subject the Franchisee to penalties, fines, forfeitures, or revocation of the Franchise for violations of the Agreement where the violation was a good faith error that resulted in no or minimal negative impact on Subscribers.

13.4 *Delivery of Payments:* The Franchisee may use electronic funds transfer to make any payments to the Township required under this Agreement.

13.5 *Notices:* Unless otherwise expressly stated herein, notices required under the Franchise shall be mailed first class, postage prepaid, to the addressees below. Each party may change its designee by providing written notice to the other party.

13.5.1 Notices to the Franchisee shall be mailed to:

President
Verizon Pennsylvania LLC
900 Race Street, 6th Floor
Philadelphia, PA 19107

With a copy to:

Verizon Legal Department
140 West Street, 6th Floor
New York NY 10007
Attention: Monica Azare, Vice President and Deputy
General Counsel

13.5.2 Notices to the Township shall be mailed to:

North Londonderry Township
655 East Ridge Road
Palmyra, PA 17078
Attention: Township Manager

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With a copy to:

Cohen Law Group
413 S. Main Street
Pittsburgh, PA 15215

13.6 *Entire Agreement:* This Franchise and the Exhibits hereto constitute the entire agreement between the Franchisee and the Township and supersedes all prior or contemporaneous agreements, representations, or understanding (whether written or oral) of the parties regarding the subject matter hereof. Any lawful ordinances or parts of ordinances related to the provision of Cable Services over the Cable System in the Township that conflict with the provisions of this Agreement are superseded by this Agreement.

13.7 *Amendments:* Amendments to this Agreement shall be mutually agreed to in writing by the parties.

13.8 *Captions:* The captions and headings of articles and sections throughout this Agreement are intended solely to facilitate reading and reference to the sections and provisions of this Agreement. Such captions shall not affect the meaning or interpretation of this Agreement.

13.9 *Severability:* If any section, subsection, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, subsection, sentence, paragraph, term, or provision hereof, all of which will remain in full force and effect for the term of the Franchise.

13.10 *Recitals:* The recitals set forth in this Agreement are incorporated into the body of this Agreement as if they had been originally set forth herein.

13.11 *FTTP Network Transfer Prohibition:* Under no circumstance including, without limitation, upon expiration, revocation, termination, denial of renewal of the Franchise, or any other action to forbid or disallow the Franchisee from providing Cable Services, shall the Franchisee or its assignees be required to sell any right, title, interest, use, or control of any portion of the Franchisee's FTTP Network including, without limitation, the Cable System and any capacity used for Cable Service or otherwise, to the Township or any third party. The Franchisee shall not be required to remove the FTTP Network or to relocate the FTTP Network or any portion thereof as a result of revocation, expiration, termination, denial of renewal, or any other action to forbid or disallow the Franchisee from providing Cable Services. This provision is not intended to contravene leased access requirements under Title VI or EG requirements set out in this Agreement.

13.12 *Publishing Information:* The Township hereby requests that the Franchisee omit publishing information specified in 47 C.F.R. § 76.952 from Subscriber bills.

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13.13 *Parental Control:* The Franchisee shall comply with all applicable requirements of federal law(s) governing Subscribers' capability to control the reception of any channels being received on their television sets.

13.14 *Independent Review:* The Township and the Franchisee each acknowledge that they have received independent legal advice in entering into this Agreement. In the event that a dispute arises over the meaning or application of any term(s) of this Agreement, such term(s) shall not be construed by the reference to any doctrine calling for ambiguities to be construed against the drafter of the Agreement.

13.15 If the Township exercises its reasonable, necessary, and lawful police power rights and such exercise results in a material alteration of the terms and conditions of this Agreement that makes it commercially impracticable for Franchisee to continue the provision of Cable Services in the Township, then the parties shall modify this Agreement to the mutual satisfaction of both parties to ameliorate the negative effects of the Township's exercise of its police power rights on the Franchisee. Any modification to this Agreement shall be in writing and signed by both parties. If the parties cannot reach agreement on how to ameliorate the negative effects of the Township's exercise of its police power rights, then the parties agree to submit the matter to binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association.

13.16 *No Third Party Beneficiaries:* Except as expressly provided in this Agreement, this Agreement is not intended to, and does not, create any rights or benefits on behalf of any Person other than the parties to this Agreement.

13.17 *Counterparts:* This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument. Further, this Agreement may be executed by facsimile, email, electronic signature or other electronic means, and so executed shall have the full force and legal effect as an executed original of this Franchise.

[SIGNATURE PAGE FOLLOWS]

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TOWNSHIP OF NORTH LONDONDERRY

By: *Ronald E. Fouche*
Print: Ronald E. Fouche
Title: Chairman
Date: September 16, 2024

VERIZON PENNSYLVANIA LLC

By: *Matthew D. Noren*
Print: Matthew D. Noren
Title: President, Verizon Pennsylvania LLC
Date: 10/23/2024

FORM APPROVED
Attorney *[Signature]*
Date 10/23/2024

EXHIBITS

Exhibit A: Municipal Buildings to be Provided Free Cable Service

Exhibit B: Customer Service Standards

CABLE TELEVISION FRANCHISE

EXHIBIT A

North Londonderry Township Municipal Building
655 East Ridge Road
Palmyra, PA 17078

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EXHIBIT B

CUSTOMER SERVICE STANDARDS

These standards shall apply to the Franchisee to the extent it is providing Cable Services over the Cable System in the Township.

SECTION 1: DEFINITIONS

A. **Respond**: The Franchisee's investigation of a Service Interruption after receiving a Subscriber call by opening a trouble ticket, if required, and responding to the call.

B. **Significant Outage**: A significant outage of the Cable Service shall mean any Service Interruption lasting at least four (4) continuous hours that affects at least ten percent (10%) of the Subscribers in the Township.

C. **Service Call**: The action taken by the Franchisee to correct a Service Interruption the effect of which is limited to an individual Subscriber.

D. **Standard Installation**: Installations where the Subscriber is within two hundred (200) feet of trunk or feeder lines.

SECTION 2: OFFICE HOURS AND TELEPHONE AVAILABILITY

A. The Franchisee shall maintain a toll-free number to receive all calls and inquiries from Subscribers in the Township and/or residents regarding Cable Service. The Franchisee representatives trained and qualified to answer questions related to Cable Service in the Service Area must respond to customer telephone inquiries during Normal Business the Franchisee's regular business hours. The Franchisee representatives shall identify themselves by name when answering this number. After Normal Business Hours, the toll-free number may be answered by an Automated Response Unit ("ARU") or a Voice Response Unit ("VRU"), including an answering machine. Inquiries received after Normal Business Hours shall be responded to by a trained company representative on the next business day.

B. The Franchisee's telephone numbers shall be listed, with appropriate description (e.g. administration, customer service, billing, repair, etc.), in the directory published by the local telephone company or companies serving the Service Area, beginning with the next publication cycle after acceptance of this Franchise by the Franchisee.

C. The Franchisee may, at any time, use an ARU or a VRU to distribute calls. If a foreign language routing option is provided, and the Subscriber does not enter an option, the menu will default to the first tier menu of English options.

After the first tier menu (not including a foreign language rollout) has run through three (3) times, if customers do not select any option, the ARU or VRU will forward the call to a queue for a live representative. The Franchisee may reasonably substitute this requirement with another method of handling calls from customers who do not have touch-tone telephones.

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D. Under Normal Operating Conditions, calls received by the Franchisee shall be answered within thirty (30) seconds. The Franchisee shall meet this standard for ninety percent (90%) of the calls it receives at all call centers receiving calls from Subscribers, as measured on a cumulative quarterly calendar basis. Measurement of this standard shall include all calls received by the Franchisee at all call centers receiving calls from Subscribers, whether they are answered by a live representative, by an automated attendant, or abandoned after thirty (30) seconds of call waiting.

E. Under Normal Operating Conditions, callers to the Franchisee shall receive a busy signal no more than three percent (3%) of the time during any calendar quarter.

F. At the Franchisee's option, the measurements above may be changed from calendar quarters to billing or accounting quarters. The Franchisee shall notify the Township of such a change at least thirty (30) days in advance of any implementation. The Franchisee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless a historical record of complaints indicates a clear failure to comply.

SECTION 3: INSTALLATIONS AND SERVICE APPOINTMENTS

A. All installations will be in accordance with the rules of the FCC, the National Electric Code, and the National Electrical Safety Code, including but not limited to, appropriate grounding, connection of equipment to ensure reception of Cable Service, and the provision of required consumer information and literature to adequately inform the Subscriber in the utilization of Franchisee-supplied equipment and Cable Service.

B. The Standard Installation shall be performed within seven (7) business days after the placement of the Optical Network Terminal ("ONT") on the customer's premises or within seven (7) business days after an order is placed if the ONT is already installed on the customer's premises.

The Franchisee shall meet this standard for ninety five percent (95%) of the Standard Installations it performs, as measured on a calendar quarter basis, excluding customer requests for connection later than seven (7) days after ONT placement or later than seven (7) days after an order is placed if the ONT is already installed on the customer's premises.

C. The Franchisee will offer Subscribers "appointment window" alternatives for arrival to perform installations, Service Calls, and other activities of a maximum four (4) hour scheduled time block during Normal Business Hours. At the Franchisee's discretion, the Franchisee may offer Subscribers appointment arrival times other than these four (4) hour time blocks, if agreeable to the Subscriber. These hour restrictions do not apply to weekends. The Franchisee may not cancel an appointment with a Subscriber after the close of business on the business day prior to the scheduled appointment. If a technician is running late for an appointment with a Subscriber and will not be able to keep the appointment as scheduled, the Subscriber will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the Subscriber.

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SECTION 4: SERVICE INTERRUPTIONS AND OUTAGES

A. The Franchisee shall exercise commercially reasonable efforts to limit any Significant Outage for the purpose of maintaining, repairing, or constructing the Cable System. Except in an emergency or other situation necessitating a more expedited or alternative notification procedure, the Franchisee may schedule a Significant Outage for a period of more than four (4) hours during any twenty-four (24) hour period only after the Township and each affected Subscriber in the Service Area have been given fifteen (15) days' prior notice of the proposed Significant Outage. Notwithstanding the foregoing, the Franchisee may perform modifications, repairs, and upgrades to the Cable System between 12:01 a.m. and 6:00 a.m. which may interrupt service.

B. Under Normal Operating Conditions, the Franchisee must Respond to a call from a Subscriber regarding a Service Interruption or other service problem within the following time frames:

(1) Within twenty-four (24) hours, including weekends, of receiving Subscriber calls respecting Service Interruptions in the Service Area and shall diligently pursue to completion.

(2) The Franchisee must begin actions to correct all other Cable Service problems the next business day after notification by the Subscriber or the Township of a Cable Service problem and shall diligently pursue to completion.

C. Under Normal Operating Conditions, the Franchisee shall complete Service Calls within seventy-two (72) hours of the time the Franchisee commences to Respond to the Service Interruption, not including weekends and situations where the Subscriber is not reasonably available for a Service Call to correct the Service Interruption within the seventy-two (72) hour period.

D. The Franchisee shall meet the standard in Subsection D of this Section for ninety percent (90%) of the Service Calls it completes, as measured on a quarterly basis.

E. At the Franchisee's option, the above measurements may be changed from calendar quarters to billing or accounting quarters. The Franchisee shall notify the Township of such a change at least thirty (30) days in advance of any implementation.

F. Under Normal Operating Conditions, the Franchisee shall provide a credit upon Subscriber request when all Channels received by that Subscriber are out of service for a period of four (4) consecutive hours or more. The credit shall equal, at a minimum, a proportionate amount of the affected Subscriber(s) current monthly bill. In order to qualify for the credit, the Subscriber must promptly report the problem and allow the Franchisee to verify the problem if requested by the Franchisee. If Subscriber availability is required for repair, a credit will not be provided for such time, if any, that the Subscriber is not reasonably available.

G. Under Normal Operating Conditions, if a Significant Outage affects all Video Programming Cable Services for more than twenty-four (24) consecutive hours, the Franchisee shall issue an automatic credit to the affected Subscribers in the amount equal to their monthly

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recurring charges for the proportionate time the Cable Service was out, or a credit to the affected Subscribers in the amount equal to the charge for the basic plus enhanced basic level of service for the proportionate time the Cable Service was out, whichever is technically feasible or, if both are technically feasible, as determined by the Franchisee provided such determination is non-discriminatory. Such credit shall be reflected on a subsequent Subscriber billing statement.

H. With respect to service issues concerning Cable Services provided to the Township facilities, the Franchisee shall Respond to all inquiries from the Township within four (4) hours and shall commence necessary repairs within twenty-four (24) hours under Normal Operating Conditions and shall diligently pursue to completion. If such repairs cannot be completed within twenty-four (24) hours, the Franchisee shall notify the Township in writing as to the reason(s) for the delay and provide an estimated time of repair.

J. The Franchisee may provide all notices identified in this Section electronically or on-screen.

SECTION 5: CUSTOMER COMPLAINTS

Under Normal Operating Conditions, the Franchisee shall investigate Subscriber complaints referred by the Township within seventy-two (72) hours of receipt. The Franchisee shall notify the Township of those matters that necessitate an excess of seventy-two (72) hours to resolve, but those matters must be resolved within fifteen (15) days of the initial complaint. The Township may require reasonable documentation to be provided by the Franchisee to substantiate the request for additional time to resolve the problem. For purposes of this Section, "resolve" means that the Franchisee shall perform those actions which, in the normal course of business, are necessary to investigate the Subscriber's complaint and advise the Subscriber of the results of that investigation.

SECTION 6: BILLING

A. Subscriber bills shall be clear, concise, and understandable. Bills shall be fully itemized to include all applicable service tiers and, if applicable, all related equipment charges. Bills shall clearly delineate activity during the billing period, including optional charges, rebates, credits, and aggregate late charges. The Franchisee shall maintain records of the date and place of mailing of bills.

B. A specific due date shall be listed on the bill of every Subscriber whose account is current. Delinquent accounts may receive a bill that lists the due date as upon receipt; however, the current portion of that bill shall not be considered past due.

C. Any Subscriber who, in good faith, disputes all or part of any bill shall have the option of withholding the disputed amount without disconnect or late fee being assessed until the dispute is resolved provided that:

- (1) The Subscriber pays all undisputed charges;
- (2) The Subscriber provides notification of the dispute to the Franchisee within five (5) days prior to the due date;

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(3) The Subscriber cooperates in determining the accuracy and/or appropriateness of the charges in dispute; and

(4) It shall be within the Franchisee's sole discretion to determine when the dispute has been resolved.

D. Under Normal Operating Conditions, the Franchisee shall initiate investigation and resolution of all billing complaints received from Subscribers within five (5) business days of receipt of the complaint. Final resolution shall not be unreasonably delayed.

E. The Franchisee shall provide a telephone number and address on the bill for Subscribers to contact the Franchisee.

F. The Franchisee shall forward a copy of any Cable Service related billing inserts or other mailing sent to Subscribers to the Township upon written request.

G. The Township hereby requests that the Franchisee omit the Township's name, address, and telephone number from Subscriber bills as permitted by 47 C.F.R. § 76.952.

SECTION 7: RATES, FEES, AND CHARGES

A. The Franchisee shall not, except to the extent permitted by law, impose any fee or charge for Service Calls to a Subscriber's premises to perform any repair or maintenance work related to the Franchisee's equipment necessary to receive Cable Service, except where such problem is caused by a negligent or wrongful act of the Subscriber (including, but not limited to a situation in which the Subscriber reconnects the Franchisee's equipment incorrectly) or by the failure of the Subscriber to take reasonable precautions to protect the Franchisee's equipment.

B. The Franchisee shall provide reasonable notice to Subscribers of the possible assessment of a late fee on bills or by separate notice.

SECTION 8: DISCONNECTION /DENIAL OF SERVICE

A. The Franchisee shall not terminate Cable Service for nonpayment of a delinquent account unless the Franchisee provides a notice of the delinquency and impending termination prior to the proposed final termination. The notice shall be provided to the Subscriber to whom the Cable Service is billed. The notice of delinquency and impending termination may be part of a billing statement.

B. Cable Service terminated in error must be restored without charge within twenty-four (24) hours of notice. If a Subscriber was billed for the period during which Cable Service was terminated in error, a credit shall be issued to the Subscriber if the Cable Service termination was reported by the Subscriber.

C. Nothing in these standards shall limit the right of the Franchisee to deny Cable Service for non-payment of previously provided Cable Services, refusal to pay any required deposit, theft of Cable Service, damage to the Franchisee's equipment, abusive and/or threatening behavior toward the Franchisee's employees or representatives, or refusal to provide credit history

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information or refusal to allow the Franchisee to validate the identity, credit history, and credit worthiness via an external credit agency.

SECTION 9: COMMUNICATIONS WITH SUBSCRIBERS

A. All Franchisee personnel, contractors, and subcontractors contacting Subscribers or potential Subscribers at the homes of such Subscribers or potential Subscribers shall wear a clearly visible identification card bearing their name and photograph. The Franchisee shall make reasonable efforts to account for all identification cards at all times. In addition, all Franchisee representatives shall wear appropriate clothing while working at a Subscriber's or potential Subscriber's premises. Every service vehicle of the Franchisee and its contractors or subcontractors shall be clearly identified as such to the public. Specifically, the Franchisee vehicles shall have the Franchisee's logo plainly visible. The vehicles of those contractors and subcontractors working for the Franchisee shall have the contractor's/subcontractor's name plus markings (such as a magnetic door sign) indicating they are under contract to the Franchisee.

B. All contact with a Subscriber or potential Subscriber by a Person representing the Franchisee shall be conducted in a courteous manner.

C. All notices identified in this Section shall be by either:

- (1) A separate document included with a billing statement or a message included on the portion of the monthly bill that is to be retained by the Subscriber;
- (2) A separate electronic notification;
- (3) A separate on-screen notification; or
- (4) Any other reasonable written means.

D. The Franchisee shall provide reasonable notice to Subscribers of any pricing changes or additional changes (excluding sales discounts, new products, or offers) and, subject to the foregoing, any changes in Cable Services, including channel line-ups. Such notice must be given to Subscribers and the Township a minimum of thirty (30) days in advance of such changes if within the control of the Franchisee, and the Franchisee shall provide a copy of the notice to the Township including how and where the notice was given to Subscribers.

E. The Franchisee shall provide information to all Subscribers about each of the following items at the time of installation of Cable Services, annually to all Subscribers, at any time upon request, and, subject to Subsection 9.D., at least thirty (30) days prior to making significant changes in the information required by this Section if within the control of the Franchisee:

- (1) Products and Cable Services offered;
- (2) Prices and options for Cable Services and condition of subscription to Cable Services. Prices shall include those for Cable Service options, equipment rentals, program guides,

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installation, downgrades, late fees, and other fees charged by the Franchisee related to Cable Service;

(3) Installation and maintenance policies including, when applicable, information regarding the Subscriber's in-home wiring rights during the period Cable Service is being provided;

(4) Channel positions of Cable Services offered on the Cable System;

(5) Complaint procedures, including the name, address, and telephone number of the Township, but with a notice advising the Subscriber to initially contact the Franchisee about all complaints and questions;

(6) Procedures for requesting Cable Service credit;

(7) The availability of a parental control device;

(8) Franchisee practices and procedures for protecting against invasion of privacy; and

(9) The address and telephone number of the Franchisee's office to which complaints may be reported.

F. Notices of changes in rates shall indicate the Cable Service new rates and old rates, if applicable.

G. Every notice of termination of Cable Service shall include the following information:

(1) The name and address of the Subscriber whose account is delinquent;

(2) The amount of the delinquency for all services billed;

(3) The date by which payment is required in order to avoid termination of Cable Service; and

(4) The telephone number for the Franchisee where the Subscriber can receive additional information about their account and discuss the pending termination.