

ORDINANCE NO. 558

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF EAST NORRITON, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 87, DOGS, CHAPTER 110, GARAGE SALES, CHAPTER 114, GRADING AND EXCAVATIONS, CHAPTER 127, NOISE, CHAPTER 139, PARKS AND RECREATIONAL AREAS, CHAPTER 148, PEDDLING AND SOLICITING, CHAPTER 152, PROPERTY MAINTENANCE, CHAPTER 160, RESPONSIBLE CONTRACTOR REQUIREMENTS, CHAPTER 162, SEWERS, CHAPTER 165, SOLID WASTE, CHAPTER 168, STREETS AND SIDEWALKS, OF THE TOWNSHIP CODE; REPEALING IN ITS ENTIRETY CHAPTER 72, BUILDING CONSTRUCTION, CHAPTER 125, MECHANICAL STANDARDS, CHAPTER 150, PLUMBING, CHAPTER 156, REAL ESTATE REGISTRY, SECTION 162-3 OF CHAPTER 162, GRANT OF AUTHORITY, CHAPTER 178, SWIMMING POOLS, OF THE TOWNSHIP CODE; DELETING THE DEFINITION OF "AUTHORITY" UNDER SECTION 162-5 OF CHAPTER 162, DEFINITIONS, OF THE TOWNSHIP CODE; DELETING IN ITS ENTIRETY SECTION 162-22.D OF CHAPTER 162, GARBAGE GRINDERS, OF THE TOWNSHIP CODE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A FAILURE TO ENFORCE CLAUSE; AND CONTAINING AN EFFECTIVE DATE

WHEREAS, the East Norriton Township Board of Supervisors ("Board") has deemed it to be in the best interests of the health, safety and welfare of the residents of East Norriton Township ("Township") to keep the content of the East Norriton Code of Ordinances current by making certain corrections and amendments from time to time; and

WHEREAS, the Board has deemed it to be in the best interests of the health, safety and welfare of the residents of the Township to keep the Code compliant with state and federal regulations; and

WHEREAS, the residents of the Township have a right to and should be ensured an environment free from noise that may jeopardize their health or welfare or degrade the quality of life; and

WHEREAS, the Board finds that it is in the public interest to provide for the regulation of door-to-door solicitation and canvassing; and

WHEREAS, the Board finds that it is in the public interest to provide for the regulation of trash collection activities in the Township; and

WHEREAS, the Board finds that accepting a surety or other bond as financial security to secure the completion of improvements for a project is not in the best interests of the public welfare because of the relatively high cost and significant period of time that it takes to collect the proceeds of a bond as opposed to a letter of credit or cash escrow.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors that the Code of the Township be amended as follows:

SECTION 1. CODE AMENDMENTS.

Chapter 72, Building Construction, is hereby repealed in its entirety.

Chapter 87, §87-6.C, Dogs, is hereby amended to read as follows:

§87-6.C It shall be unlawful for any owner or custodian, or person having control of any dog, to fail to restrain it by means of a leash while it is on any public or private property, other than the private property of the owner, custodian or person in charge or having control of the dog.

Chapter 110, §110-4.B, Signs, is hereby amended to read as follows:

§110-4.B Two two-square foot signs shall be allowed off site. If off site signs are not removed within 48 (forty-eight) hours, they may be removed by the Zoning Officer.

Chapter 114, §114-1.B, Regulations, is hereby amended to read as follows:

§114-1.B Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Montgomery County Conservation District or Township Secretary.

Chapter 114, §114-3.D(9), Drainage provisions; excavations and fill, is hereby amended to read as follows:

§114-3.D(9) Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges as recommended by the Township Engineer and approved in writing by the Board of Supervisors and the Pennsylvania Department of Environmental Protection.

Chapter 114, §114-4.D, Responsibility, is hereby amended to read as follows:

§114-4.D No person, corporation or other entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the Township and/or the Pennsylvania Department of Environmental Protection, whichever is applicable.

Chapter 114, §114-5, Permit; deposit, is hereby amended to read as follows:

§114-5 The plan for minimizing erosion and sedimentation described in §114-1 of this Chapter shall be submitted through the Township Zoning Officer to the Township Engineer for review and approval. At the time of submission an escrow shall be established pursuant to §166-42.

Chapter 125, Mechanical Standards, is hereby repealed in its entirety.

Chapter 127, §127-6.D, Equipment, is hereby amended by adding the following equipment and noise limit:

Type of Equipment	Noise Limit [dB(A)]
Portable and standby electrical generators provided that generators are used only during times of loss of utility provided power. Except that such generators may be exercised for a period of no more than one hour from 7:00a.m. to 9:00p.m.	84

Chapter 139, §139-2.3.I, Prohibited Acts, is hereby amended to read as follows:

§139-2.3.I Pets, except when kept on a leash.

Chapter 148, §148-2, Board to set Rules and Regulations, is hereby amended by adding the following subsection:

§148-2.A It shall be a violation of this Chapter for any person to engage in peddling or soliciting before 10:00 a.m. or after 6:00 p.m.

Chapter 150, Plumbing, is hereby repealed in its entirety.

Chapter 152, Property Maintenance, is hereby amended by adding the following subsection:

§152-3.R(1) Section 302.7 Accessory structures. All accessory structures including detached garages, fences, walls, sheds and signs shall be maintained structurally sound and in good repair.

Chapter 156, Real Estate Registry, is hereby repealed in its entirety.

Chapter 160, §160-2.A, Contractor Requirements, is amended by amending \$25,000 to \$100,000

Chapter 162, §162-2, Area designated, is hereby amended to read as follows:

§162-2 The entire Township of East Norriton is hereby designated as a service area except for those areas where East Norriton Township has or will fund or construct a sanitary sewer system or where the Township has or will obtain by agreement or deed of dedication a sanitary sewer system. The Township Hereby reserves the right to provide sanitary sewer service to any portions of Sewer District No. 1.

Chapter 162, §162-3, Grant of authority, is hereby repealed in its entirety.

Chapter 162, §162-5, Definitions, The definition of 'AUTHORITY' is hereby deleted.

Chapter 162, §162-8.B, Receptacles prohibited; exception, is hereby amended to read as follows:

§162-8.B The foregoing notwithstanding, any owner of an occupied building accessible to the sewer system who maintains facilities to discharge sanitary sewage below the first floor of an occupied building shall be permitted to maintain a cesspool or septic tank of the type approved by the Montgomery County Health Department or Township Sewage Enforcement Officer so

long as said system functions properly in the sole discretion of the Montgomery County Health Department or Sewage Enforcement Officer. In the event of a malfunction and in all cases involving the immediately preceding section of this article, all cesspools or septic tanks shall be disconnected from the occupied building and shall be properly backfilled under the direction of the Montgomery County Health Department or Township Sewage Enforcement Officer.

Chapter 162, §162-10.A, Compliance, is hereby amended to read as follows:

§162-10.A No connection shall be made to the sewer system except in compliance with the Standard Specifications for Construction of Sanitary Sewer Systems for East Norriton Township, which may be adopted or amended by Ordinance or Resolution of the Board of Supervisors from time to time.

Chapter 162, §162-16.A, Administrative Fees is hereby amended to read as follows:

§162-16.A The Township hereby establishes an administrative fee to be imposed upon all persons against whom liens or other legal process must be filed in order to collect sewer rentals, assessments, connection fees, permit fees and other charges relating to the sanitary sewer system. Said administrative fee shall be equal to the actual filing and legal expenses incurred by the Township excluding other court costs incidental to the collection of said liens or other charges.

Chapter 162, §162-22.D, Garbage Grinders, is hereby deleted in its entirety.

Chapter 162, §162-22.E, Rebates, is hereby amended to read as follows:

§162-22.E Rebates. No rebate will be allowed due to unoccupancy or vacancy for a period of less than six months.

Chapter 162, §162-31.B(4)(a), Materials and installation, is hereby amended to read as follows:

§162-31.B(4)(a) Installation, maintenance and repair of sanitary sewer mains, manholes and laterals from the main to the edge of the right of way, property line or four feet inside the curb, whichever is greater, shall be constructed in compliance with the document known as the "Standard Specifications for Construction of Sanitary Sewer Systems for East Norriton Township".

Chapter 162, §162-31.B(4)(b), Materials and installation, is hereby amended to read as follows:

§162-31.B(4)(b) Installation, maintenance and repair of sanitary sewer laterals on private property which are not required to comply with subsection B(4)(a) above shall comply with the Pennsylvania Uniform Construction Code. An additional cleanout with a tight-fitting plug shall be installed at the connection of the private sewer lateral to the sewer system, but shall be located outside of the ultimate legal right-of-way and shall not be in a walkway or driveway. Exceptions to location requirements for repairs to existing installation may be made at the discretion of the Township.

Chapter 162, §162-35, Definitions, the definition of 'IMPROVED PROPERTY' is hereby amended to read as follows:

§162-35 IMPROVED PROPERTY – Any property within the Township upon which there is erected a residential, commercial or industrial structure intended for continuous or periodic occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

Chapter 162, §162-38, Maintenance required, is hereby amended to read as follows:

§162-38 All applications for holding tank systems shall include a contract for maintenance by a disposal agency approved by the Board. Such contract shall include but not be limited to the name of the contractor, method of maintenance, method of disposal, frequency of inspection and ultimate place of disposal of all waste. Such contract shall be required to remain in force for the entire period of operation of the system. Failure by the owner to renew such contract or submit proof of another approved contract shall constitute a violation of this article. The system must be inspected by the approved disposal agency a minimum of three times per year. Further, prior to the issuance of any building permits for any residential dwelling that will utilize a holding tank, financial security in the form acceptable to the Township must be posted with the Township in an amount equal to three years' contract price for sewage removal and for the cost of removal of the holding tank as estimated by the Township Engineer, which shall run for the entire period that the holding tank is to be in use. This guarantee shall be conditioned upon the landowner or, in the case of a development, the developer maintaining the holding tank system in accordance with the rules and regulations of this article.

Chapter 162, §162-41, Collection, transportation and disposal of sewage, is hereby amended to read as follows:

§162-41 The collection and transportation of all sewage from any improved property using a holding tank shall be done solely by or under the direction of the Board, and the disposal thereof shall be made only at such site or sites as may be approved by the Pennsylvania Department of Environmental Protection.

Chapter 162, §162-42.D, Duties of owner of improved property, is hereby amended to read as follows:

§162-42.D Connect within 30 days after notice from the Township to the public sewer system.

Chapter 162, §162-45.1.A(2), Standards; fee, is hereby amended to read as follows:

§162-45.1.A(2) In calculating sewage flow for a single-family dwelling unit, a minimum daily flow of 230 gallons per day shall be used to determine holding tank capacity. This figure shall be increased by 100 gallons for each additional bedroom over three. The daily flow indicated provides for use of garbage grinders, automatic washing machines or dishwashers and water softeners.

Chapter 162, §162-45.1.A(5), Standards; fee, is hereby amended to read as follows:

§162-45.1.A(5) Industrial/commercial applications will follow daily flow calculations outlined in Chapter 73, §73.17 of Title 25 of the Pennsylvania Code, entitled 'Sewage Flows,' or such other regulations as the Pennsylvania Department of Environmental Protection may enact from time to time.

Chapter 162, §162-45.1.C(2), Standards; fee, is hereby amended to read as follows:

§162-45.1.C(2) All horizontal isolation distances, as outlined in Chapter 73, §73.13, of Title 25 of the Pennsylvania Code, concerning treatment tanks or in such other regulations as may be enacted by the Pennsylvania Department of Environmental Protection from time to time shall be maintained with respect to holding tanks.

Chapter 162, §162-45.1.D(1), Standards; fee, is hereby amended to read as follows:

§162-45.1.D(1) The installation of holding tanks is regulated by the Pennsylvania Department of Environmental Protection which has established a permitting procedure. This procedure requires submission of a planning module postcard, a complete application, on-site examination/testing and permitting of installation and hauling agreement with hauler. The owner shall comply with the permitting procedure of the Pennsylvania Department of Environmental Protection.

Chapter 165, §165-17.G, Municipal waste collectors and recyclable materials collectors, is hereby amended to read as follows:

§165-17.G Frequency of collection for residential establishments. Municipal waste collectors shall collect municipal waste a minimum of one time per week. Recyclable materials collector shall collect recyclable materials, excluding leaf waste, a minimum of one time per week from residential establishments. Recyclable materials collectors that collect remove, transport or haul leaf waste shall collect the leaf waste on a scheduled day at least once per month.

Chapter 165, §165-17.I, Municipal waste collectors and recyclable materials collectors, is hereby added to read as follows:

§165-17.I Collection equipment and transportation vehicles used for the collection of municipal and residual waste and recyclables from residential and non-residential establishments shall only be permitted to operate on public streets and private property during the hours of 7:00 a.m. to 9:00 p.m.

Chapter 168, §168-24.C.(2)(a)[3], [4], and [5], Permit application procedure, are hereby amended to read as follows:

§168-24.C.(2)(a)[3] Obtaining financial security in a form and amount acceptable to the Township to guarantee restoration of the permitted area in a manner satisfactory to the Township for a period of at least two years after the acknowledged completion of the permitted work.

§168-24.C.(2)(a)[4] Obtaining financial security in a form and amount acceptable to the Township to guarantee necessary maintenance costs for the facility and the right-of-way in which it is located for a period of at least two years after the acknowledged completion of the permitted work.

§168-25.C.(2)(a)[5] Depositing sufficient currency in an escrow account acceptable to the Township to fully secure the obligations in Subsection C(2)(a)[1] and [2] above.

Chapter 168, §168-34.M.(4), Highway Occupancy Permit, is hereby amended to read as follows:

§168-34.M.(4) Insurance. The permittee's obligation to indemnify the Township and obtain insurance to secure indemnification and its obligations to restore the highway and obtain financial security in a form and amount acceptable to the Township relating to restoration are separate obligations from obtaining insurance for the purposes required.

Chapter 168, §168-34.O, Highway Occupancy Permit, is hereby amended to read as follows:

§168-34.O Damaged structure or facility to be repaired. If a structure or facility becomes damaged, the permittee shall promptly have it removed, repaired or otherwise made safe. The permittee is responsible for repair or restoration of the portion of the highway damaged by a structure or facility. The permittee's obligation to repair or restore the highway necessitated by a damaged structure or facility under this section is separate from the obligations to restore the highway and obtain financial security relating to restoration and maintenance of the highway.

Chapter 168, §168-34.P(3), Highway Occupancy Permit, is hereby amended to read as follows:

§168-34.P(3) The obtaining of financial security in the form and amount acceptable to the Township to secure restoration costs does not relieve the permittee of the restoration obligations imposed. The obtaining of financial security will not act as a release of the permittee from liability under principles of tort law with respect to a failure of the highway in the permitted area occurring after the expiration of the security.

Chapter 168, §168-38.C(2)(b), Penalties and enforcement, is hereby amended to read as follows:

§168-38.C(2)(b) Unless the applicant is excused in writing, obtaining financial security satisfactory to the Township to guarantee highway restoration and maintenance costs.

Chapter 168, §168-42.D, Blasting, is hereby amended to read as follows:

§168-42.D If blasting is required the Township will require the contractor and/or developer to post security in a form and amount acceptable to the Township for the protection of the roadways.

Chapter 168, §168-43.B, Backfilling, is hereby amended to read as follows:

§168-43.B As an alternative, the Township will accept suitable material, as defined by PADOT regulations, Form 408, to be used as backfill in new road construction only with the following conditions: If 2A modified stone is not used, the construction and the backfill will be subject to full-time inspection by the Township Inspector as well as full-time soil compaction tests by an independent soil scientist all at the expense of the owner/developer/contractor. In addition, no dedication of the roadway will be accepted prior to four years from the date of completion of the base paving. At the time of dedication, developer/owner/contractor must provide a three-year maintenance guarantee in a form and amount acceptable to the Township.

Chapter 178, Swimming Pools, is hereby repealed in its entirety.

SECTION 2. Severability.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 3. Repealer.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 4. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its right of future enforcement hereunder.

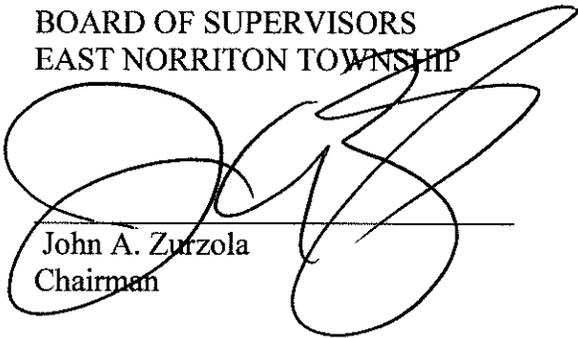
SECTION 5. Effective Date.

This ordinance shall become effective five days after its adoption by the East Norriton Township Board of Supervisors.

ORDAINED and **ENACTED** by the Board of Supervisors of East Norriton Township this 18th day of November, 2014.



BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP



John A. Zurzola
Chairman

ATTEST: 
Donald D. Delamater
Secretary