CODE OF ORDINANCES

of the

BOROUGH OF AMBLER

Montgomery County, Pennsylvania

Published by Authority of the Borough

Adopted July 17, 2012

Revised Through July 17, 2012

GENERAL CODE

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Revised Through:

5/18/2011
7/17/2012

OFFICIALS

of the

BOROUGH OF AMBLER

County of Montgomery
Pennsylvania

2012

ELECTED OFFICIALS

Mayor	Charles (Bud) Wahl

Council

President	Antonio Isabella
Vice President	Peter Amento
	Edward Curtis
	Thomas Kenney
	George Pasceri
	Salvatore Pasceri
	Patricia Strus
	Francine Tomlinson
	Claudio Zaccone

APPOINTED OFFICIALS

Manager	Mary Aversa
Chief of Police	William Foley
Codes Officer	Ron Myers, Sr.
Solicitor	Joseph Bresnan
Engineer	Gilmore & Associates

FOREWORD

History

This comprises the codification of the ordinances of the Borough of Ambler. The Borough was originally settled in 1832 and was incorporated as a Borough from parts of Upper Dublin Township in 1888.

The Code of Ordinances of the Borough of Ambler was published by General Code Publishers and adopted by the Borough Council on July 17, 2012, by Ord. No. 1066.

Organization

The Code contains four parts which are: (1) the valid current ordinances of the Borough contained in Chapters 1 through 27; (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature; (3) the Key to the disposition of each ordinance ever enacted by the Borough; and (4) the Index, which is an alphabetical arrangement of subjects.

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

The Key to disposition indicates what action has been taken by the Borough Council with regard to every ordinance ever enacted. An ordinance has either been: (1) specifically repealed; (2) superseded by another ordinance; (3) is located in a Chapter of the Code book; or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Key. The Key is a cross reference to the original ordinance books of the Borough, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 1066

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF AMBLER, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ADOPTING CERTAIN CHANGES MADE TO PREVIOUSLY ADOPTED ORDINANCES; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

Be it enacted and ordained by the Borough Council of the Borough of Ambler, County of Montgomery, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

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

Pursuant to Section 1008(b) of the Borough Code [53 P.S. § 46008(b)], the codification of a complete body of legislation for the Borough of Ambler, County of Montgomery, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, parts and sections by General Code, and consisting of Chapters 1 through 27, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Ambler, which shall be known and is hereby designated as the "Code of the Borough of Ambler," 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 Borough Council of the Borough of Ambler, and it is the intention of said Borough Council 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 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. Inconsistent ordinances repealed.

Except as provided in § 1-4, Ordinances saved from repeal; matters not affected by repeal, below, all ordinances or parts ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Ambler which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-4. Ordinances 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 4-17-2012.

B. Any right or liability established, accrued or incurred under any legislative provision of the Borough 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 Borough 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 Borough.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough 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 Borough or other instruments or evidence of the Borough'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 Borough.

K. Any ordinance providing for or 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 Borough or setting the bond of any officer or employee.

P. Any ordinance concerning changes and amendments to the Zoning Map.

Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.

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

All ordinances 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 shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted ordinances.

In compiling and preparing the ordinances and resolutions of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Borough Council 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.

§ 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 part titles, headings and titles of sections and other divisions in the Code or 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 copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough 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 Borough Council 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 Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all ordinances and resolutions adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances or resolutions are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Borough 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 Borough. 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 a copy or 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.

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 Borough to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $600, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 30 days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, part, 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, part, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, part, 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 July 17, 2012.

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PART 1

ELECTED OFFICIALS

§1-101. Compensation of Mayor and Members of Borough Council.

1. The compensation of the Mayor is hereby set at $5,000 per year.

2. The compensation of the President of Borough Council is hereby set at $5,000 per year.

3. The compensation of every other member of Borough Council is hereby set at $2,500 per year.

4. Such compensation amounts, to the extent different from current payment amounts, shall become effective May 1, 2012.

5. Any and all prior ordinances establishing for the aforesaid offices are repealed, effective upon the effective date of this amendment.

(Ord. 959, 12/17/2001; as amended by Ord. 1065, 4/17/2012)

§1-102. Compensation of Tax Collector.

1. Beginning January 1, 2010, the Tax Collector shall be paid a salary of $7,280 annually, payable in equal monthly installments. This salary shall be in compensation for all duties performed by the Tax Collector pursuant to law, including the collection of real estate taxes and the liening of properties.

2. (Reserved)

3. Real Estate Tax Certification Fee. There shall be a fee for preparing and providing by mail or any other means a real estate tax certification fee for any single tax parcel within the Borough of Ambler, which fee shall be assessed and collected by the Tax Collector for providing such services. The amount of the fee shall be set from time to time by resolution of the Borough Council.[1] Initially, the fee is established at the rate of $10 for a current tax year certification and an additional $5 for each prior year tax certification.

(Ord. 654, 1/17/1977; as amended by Ord. 999, 2/21/2006; and by Ord. 1032, 2/3/2009)

[1] Editor's Note: The current resolution is on file in the office of the Borough Secretary.

PART 2

APPOINTED OFFICIALS

A. Appointed Auditor.

§1-201. Establishment of Office of Appointed Auditor.

Pursuant to the provisions §1005 of the Borough Code, as last amended, the accounts and other evidences of financial transactions of the Borough of Ambler and Borough officers of the Borough of Ambler shall be audited by an appointed auditor, who shall be a certified public accountant, a firm of certified public accountants, a competent independent public accountant or a firm of independent public accountants.

(Ord. 504, 11/11/1963, §1)

B. Borough Manager.

§1-211. Office of Borough Manager Created.

The office of Borough Manager is hereby created for the Borough of Ambler.

(Ord. 916, 12/26/1995)

§1-212. Appointment and Removal.

The Manager shall be appointed for an indefinite term by a majority of all members of the Borough Council. The Manager shall serve at the pleasure of the Borough Council and he may be removed at any time by a majority vote of all its members. At least 30 days before such removal is to become effective, the Borough Council shall furnish the Manager with a written statement setting forth its intention to remove him.

(Ord. 916, 12/26/1995)

§1-213. Qualifications.

The Manager shall be chosen on the basis of his executive and administrative abilities with special reference to his actual experience or education in and his knowledge of local government. The Borough Manager shall be a citizen of the United States, at least 21 years of age. The word “he” as used within this Part 2B refers to a person either of the male or female sex.

(Ord. 916, 12/26/1995)

§1-214. Bond.

Before entering upon his duties, the Manager shall give bond, for the faithful performance of his duties to the Borough with a surety company authorized by law to act as surety, in the amount of $100,000. The premium for said bond to be paid by the Borough.

(Ord. 916, 12/26/1995)

§1-215. Manager's Compensation.

The salary of the Borough Manager shall be fixed, from time to time, by Borough Council.

(Ord. 916, 12/26/1995)

§1-216. Powers and Duties.

The Manager shall be the chief administrative officer of the Borough and he shall be responsible to the Borough Council as a whole and to the President when so instructed, for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute imposed or conferred upon other Borough officers. The powers set forth herein may be clarified and elaborated upon through bylaws adopted by Council, although it shall still require an ordinance amendment to add or delete an entirely new or different power. Subject to recall by ordinance, the powers and duties of the Borough Manager shall include, but are not limited to, the following:

A. He shall supervise and be responsible for the activities of all Borough departments, services and facilities, excepting those of the Police Department, Solicitor, Engineer and Auditor and as otherwise provided by ordinance or law.

B. He shall, with the approval of the Borough Council, hire and, when necessary for the good of the Borough, with the approval of the Borough Council, suspend or discharge all employees under his supervision. Provided, persons in positions covered by the Civil Service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions and this subsection shall not affect appointment to office by Borough Council, such as the Solicitor, Engineer and Auditor, all as provided for in the Borough Code.

C. He shall prepare and submit to the Borough Council, each year, by such date as Council shall determine, a budget for the next fiscal year and an explanatory budget message. In preparing the budget, the Manager or an of-

ficer designated by him, shall obtain from the head of each department, agency, board or office, 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 Council.

D. He shall be responsible for the administration of the budget after its adoption by the Council.

E. He shall hold such other municipal offices, or head one or more of the municipal departments as Council may, from time to time, direct.

F. He shall attend all meetings of the Borough Council and its committees and he shall receive notice of all special meetings of the Council or its committees which he shall also attend.

G. He shall prepare, with the approval of the Council President, the agenda for each meeting of the Council and supply facts pertinent thereto.

H. He shall keep the Council informed as to the conduct of Borough affairs, submit periodic reports on the condition of the Borough finances at intervals requested by Council and such other reports as the Council may request and he shall make such recommendations to the Council as he shall deem necessary.

I. He shall submit, separate from the Auditor's report, to the Council as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.

J. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.

K. He shall keep Borough Council informed about grants and assistance programs as they become available from other governmental agencies.

L. He shall supervise the performance and faithful execution of contract of services and construction except insofar as such duties are expressly imposed upon some other Borough officer by statute or delegated by Council to members of the supervisory staff.

M. He shall see that all moneys owed the Borough are promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.

N. To serve as purchasing officer of the Borough and to purchase in accordance with the provisions of the Borough Code and pursuant to Council directives, all supplies and equipment for the agencies, boards, departments and other offices of the Borough, enforce rules and regulations governing the procurement of all Borough supplies and equipment. He shall have the power to

purchase supplies, equipment and services for the Borough; provided, that no single purchase shall be in an amount in excess of $5,000 without specific authorization by Borough Council unless it is a recurring bill, maintenance or supply item, or a budgeted item. In the event that the Manager is faced with an emergency, amounts in excess of $5,000 may be expended. Any expenditure not approved by Council in advance shall be subsequently ratified by Council.

O. To investigate and dispose of, or to designate an officer to investigate and dispose of, all complaints regarding Borough services, obtaining Council guidance where necessary and to report to the Council on all such matters.

(Ord. 916, 12/26/1995; as amended by Ord. 1026, 10/21/2008)

§1-217. Disability or Absence of Manager.

If the Manager becomes ill or temporarily incapacitated or needs to be absent from the Borough, he shall be temporarily replaced by the Chief of Police, except when as assistant manager is in office, who shall perform the duties of the Manager during his absence or disability, all with the approval of Council.

(Ord. 916, 12/26/1995)

PART 3[2]

AUTHORITIES, BOARDS, COMMISSIONS AND DEPARTMENTS

A. Planning Commission

§1-301. Planning Commission Established.

A Planning Commission for the Borough of Ambler, consisting of nine members appointed by the Borough Council of Ambler, is hereby established.

(Ord. 510, 5/11/1964, §1; as amended by Ord. 557, 3/10/1969, §1; by Ord. 722, 2/18/1980, §1; by Ord. 998, 2/21/2006; and by Ord. 1045, 1/19/2010)

§1-302. Appointments to Planning Commission; Terms of Office; Incompatible Offices.

Appointments and terms of members of the Ambler Borough Planning Commission shall be made pursuant to the provisions of §203 of the Pennsylvania Municipalities Planning Code, consistent with Ambler Borough resolutions relating to the appointment to boards and commissions. The members of the Planning Commission shall hold no other Borough offices.

(Ord. 510, 5/11/1964, §2; as amended by Ord. 557, 3/10/1969, §2; and by Ord. 722, 2/18/1980, §2)

§1-303. Purposes, Powers and Duties of Planning Commission.

The purpose and duty of the Planning Commission hereby established is to advise the Borough Council concerning the most expedient methods of promoting the orderly development of the Borough. The Secretary of Borough Council shall, upon introduction, furnish to the Borough Planning Commission for its consideration, a copy of all proposed ordinances and all amendments thereto, relating to the location of any public building of the Borough, and to the location, extension, widening, narrowing, enlargement, ornamentation and parking of any street, boulevard, parkway, park, playground or other public ground and to the relocation, vacation, curtailment, changes of use or any other alteration of the Borough Plan with relation to any of the same and to the location of any bridge, tunnel and subway or any surface, underground or elevated railway. The said Commission shall have the power to disapprove any of the said ordinances, bills or amendments, which disapproval, however, must be communicated to Council in writing within 10 days for the introduction of said ordinances, but such disapproval shall not operate as a veto.

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[2] Editor's Note: For the ordinances concerning the incorporation of the Ambler Municipal Authority and the Ambler Municipal Parking Authority, see Appendix D, "Governmental and Intergovernmental Affairs."

(Ord. 510, 5/11/1964, §3)

§1-304. Plans to be Submitted to Planning Commission.

All plans, plots or replots of land, laid out building lots and the streets or other portions of the same, intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the Borough limits, shall be submitted to the Borough Planning Commission and approved by it, before they shall be recorded. And it shall be unlawful to receive or record such plan in any public office, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Borough Planning Commission. The disapproval of any such plan by the Borough Planning Commission shall be deemed the refusal of the proposed dedication shown thereon. The approval of the Commission shall be deemed an acceptance of the proposed dedication, but shall not impose any duty upon the Borough concerning the maintenance or improvements of any such dedicated parts, until the proper authorities of the Borough shall have made actual appropriations of the same by entry, use, or improvement. No sewer, water or gas main or pipe, or other improvement, shall be voted or made, within the area under the jurisdiction of said Commission, for the use of any such purchasers or owners, nor shall any permit for connection with, or use of, any such improvement existing, or for any other reason made, be given to any such purchasers or owners, till such plan is so approved.

(Ord. 510, 5/11/1964, §4)

§1-305. Powers, Duties and Responsibilities of Planning Commission.

Unless otherwise provided herein, the Ambler Borough Planning Commission is hereby vested with all power, duties and responsibilities which a Borough, pursuant to the Municipal Planning Code, may confer upon a Planning Commission.

(Ord. 510, 5/11/1964, §5; as amended by Ord. 991, 8/15/2005)

§1-306. Records of Planning Commission.

The Planning Commission shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Ord. 510, 5/11/1964, §6)

§1-307. Fiscal Limitation of Planning Commission; Employees and Staff.

The Planning Commission shall not have power to let contracts or incur any debts on behalf of the Borough of Ambler; however, the Planning Commission is hereby authorized to expend in the manner it deems advisable such sums as shall, prior to such ex-

penditures, be appropriated by the Borough Council of Ambler Borough for the work of the Planning Commission. Within the limitation, the Planning Commission may appoint such employees and staff as it may deem necessary for its work and contract with planners and other consultants for such technical services as it may require.

(Ord. 510, 5/11/1964, §7)

B. Police Department

§1-311. Police Department Recognized and Reestablished.

The existing Police Department is hereby recognized and reestablished in and for the Borough of Ambler. The Chief of Police shall be the chief executive for the Police Department. He shall, under the direction of the Manager, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.

(Ord. 462, 11/4/1960, §1; as amended by Ord. 680, 10/17/1977)

§1-312. Subordinate Classifications in Police Department; Priority of Authority; Number of Persons in each Classification; Compensation.

1. Subordinate to the Chief of Police, in the Police Department, the following classifications are hereby established:

   A. Lieutenant.

   B. Sergeant.

   C. Detective.

   D. Patrolman.

   The priority of authority among such subordinate classifications shall be in the order cited above, except that when the Detective arrives on scene, he shall exercise immediate supervision of the patrol officers and Sergeant who are assisting at the scene of a crime. The number of persons to serve in each subordinate classifications on a full-time or part-time basis, and the compensation of each shall be as determined by Borough Council, from time to time.

2. Any member of the Ambler Borough Police Department, regardless of rank, may be appointed to such rank and position of Detective in accordance with the requirements of the Civil Service provisions of the Borough Code.

3. In the event that person appointed as Detective is unavailable or unable to perform his duties for whatever reason, Borough Council shall appoint an acting De-

tective until such time as the said appointee resumes his duties or Borough Council appoints a replacement.

4. The person appointed to the rank of Detective shall perform investigations of criminal activity including, but not limited to, investigations of criminal complaints in Part I and Part II crimes which include burglary, robbery, rape, fraud, murder and any other case requiring follow-up investigations, gathering of facts, questioning of witnesses and suspects and compiling information for preparing cases for prosecution, procuring witnesses and securing and preserving physical evidence, supplying information to the Police Department on criminal activities within the Borough, appearing in court when required, preparing full reports on activities and investigations, assisting uniformed police when required or requested, filling in on all shifts in uniform, when required due to man power shortages for sickness, injuries or vacations within the Police Department, cooperating with neighboring law enforcement agencies by making record checks for other departments, fingerprints for prospective employers, performing other related duties as required, including the duties of juvenile officer which include, but are not limited to, the investigation, apprehension and interviewing of all juvenile suspects, their parents and advisors, investigating allegations of abuse to youths by family or other members of society, attending court hearings involving juveniles, maintaining close contact with Montgomery County juvenile authorities, visiting schools for lectures and discussions to promote good youth relations and to present laws to youths for their understanding, acting as a liaison officer with the schools of the Borough or other youth oriented groups and performing all other necessary related duties.

(Ord. 462, 11/14/1960, §2; as amended by Ord. 566, 4/13/1970; by Ord. 680, 10/17/1977; by Ord. 793, 9/17/1985; and by Ord. 828, -/-/1986)

§1-313. Special Policemen.

Nothing contained in this Part 3B shall affect the authority of the Mayor to appoint special policemen.

(Ord. 462, 11/14/1960, §3; as amended by Ord. 680, 10/17/1977)

C. Environmental Advisory Council

§1-321. Creation.

There is hereby created and established as Borough of Ambler Environmental Advisory Council (hereinafter referred to as the "Council") pursuant to the authority granted by the Act of December 19, 1996, P.L. 1158, No. 177, 53 Pa.C.S.A. §2322 et seq.

(Ord. 942, 5/17/1999, §1; as amended by Ord. 991, 8/15/2005)

§1-322. Purpose of Council.

The Council shall advise other local governmental agencies including, but not limited to, the Planning Commission and the Borough Council and, at the request thereof, other officials, employees, boards, councils or other entities of the Borough on matters dealing with protection, conservation, management, promotion and use of natural resources, including air, land and water resources, located within the territorial limits of the Borough of Ambler.

(Ord. 942, 5/17/1999, §2)

§1-323. Powers.

The Council shall have the power to identify environmental problems and recommend plans and programs to the appropriate Borough agencies for the promotion, protection and conservation of the natural resources and for the protection and improvement of the quality of the environment within the Borough, to make recommendations as to the possible use of open land areas of the Borough, to promote a community environmental program, to keep an index of all open areas, publicly or privately owned including, but not limited to, flood prone areas, swamps and other unique natural areas for the purpose of obtaining information on the proper use of such areas and to advise appropriate Borough agencies with respect to the sale or acquisition of property, both real and personal, by gift, purchase, grant, bequest, easement, devise or lease, in matters dealing with the protection, conservation, management, promotion and use of natural resources.

(Ord. 942, 5/17/1999, §3)

§1-324. Composition; Terms of Office.

The Council shall be composed of seven residents of the Borough, who shall be appointed by the Borough Council. Any vacancy occurring on the Council shall be filled by appointment by the Borough Council. Duly appointed Council members shall serve a term of three years, except that initial appointments shall be so staggered that the terms of one-third of the membership of the Council shall expire each year, the terms of their successors to be of three years each. The Borough Council shall designate the Chairman of the Council.

(Ord. 942, 5/17/1999, §4)

§1-325. Compensation.

Members shall receive no compensation for their services, but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

(Ord. 942, 5/17/1999, §5)

§1-326. Records to be Kept; Annual Report.

The Council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual Borough report, if any, or if there shall be no annual Borough report, the Council shall otherwise make its written annual report to the Borough Council and generally make the report known and available.

(Ord. 942, 5/17/1999, §6)

§1-327. Funds for Expenses Incurred.

Funds for the expenses incurred by the Council shall, at the discretion of the Borough Council, be appropriated to the Council. The Council may expend monies for such administrative, clerical, printing and legal services as may, from time to time, be required, but its expenditures shall be limited to the amount of funds appropriated to it by the Borough Council. The whole or any part of any funds so appropriated in any year may be placed in a conservation fund, allowed to accumulate from year to year or be expended in any year. The Council shall submit a detailed written itemized budget proposal to the Borough Council at least 30 days prior to adoption of the Borough's preliminary budget.

(Ord. 942, 5/17/1999, §7)

§1-328. Programs of Assistance.

The Council shall endeavor to take advantage of such programs of assistance to environmental advisory councils, including educational services, exchange of information, assignment of technical personnel for natural resources planning assistance and coordination of State and local conservation activities, as may be established by the State Conservation Commission in the Department of Environmental Protection and any program or assistance to environmental advisory councils in planning for the management, use and development of open space and recreation areas as may be established by the Department of Economic and Community Development and any other program of assistance as may seem to the Council and the Borough of Ambler to be advantageous.

(Ord. 942, 5/17/1999, §8; as amended by Ord. 991, 8/15/2005)

§1-329. Affect on Existing Agencies.

Nothing herein contained shall be construed as abolishing or limiting any existing Borough agency, board, authority or commission, even though such agency, board, authority

or commission may have a responsibility related to the responsibilities delegated to the Environmental Advisory Council hereunder.

(Ord. 942, 5/17/1999, §9)

PART 4

PENSIONS AND RETIREMENT

A. Police Pension Fund.

§1-401. Police Pension Fund Continued and Established.

A Police Pension Fund is continued and hereby established pursuant to the Act of May 29, 1956, P.L. 1804, as amended (commonly referred to as Act 600 of 1956). Such fund shall be under the direction of the Borough of Ambler and shall be applied under such regulations as the Borough of Ambler may prescribe.

(Ord. 859, 9/17/1990, §1)

§1-402. Eligibility for Participation; Administration of Fund.

1. Each full-time policeman now or hereafter employed by the Borough of Ambler shall be eligible to participate and shall be a participant in the Police Pension Fund. The Police Pension Fund shall be administered by a committee of 10 persons, consisting of the nine members of Ambler Borough Council and one member thereof who shall be a full-time member of the Ambler Borough Police Department.

2. The duly appointed Borough Manager is designated as the chief administrative officer as defined in the Act of Assembly of the Commonwealth of Pennsylvania in Act 205 of 1984 (53 P.S. §895.101 et seq.). As such chief administrative officer, said person shall have the primary responsibility for the execution of the administrative affairs of the Borough and of the pension plan. He shall have, in addition to the responsibility set forth in said Act, the authority including, but not limited to, subject to the approval by the Borough Council of the Borough of Ambler, to enter into trust agreements, continue trust agreements or terminate trust agreements, to engage the services of an actuary, employee benefit and administrative report services, investment manager, trustee, custodial service and investment services.

(Ord. 859, 9/17/1990, §2)

§1-403. Benefits.

The benefits of this Police Pension Fund shall be payable to:

A. Any police officer who has served the Borough for an aggregate total of at least 25 years as a full-time policeman and has attained the age of at least 50 years.

B. Any police officer who has served the Borough as a full-time police officer for an aggregate of at least 20 years and has attained the age of 60 years.

C. Any former full-time police officer who has served the Borough for an aggregate total of at least five years as a full-time police officer and within 90 days after termination of employment as a police officer is re-employed by the Borough as an employee in some other capacity and has not withdrawn his contribution to the Police Pension Fund and has subsequently continued within the employment of the Borough until he has become eligible for retirement under the Municipal Employees Pension Fund.

D. All full-time police officers shall retire from their respective positions or employment upon reaching the age of 70. Upon the effective date of his retirement from the employment as a police officer with the Borough of Ambler, said participant shall be entitled to receive pension or retirement benefits as are hereinafter provided.

E. The surviving spouse of a police officer who retires or is eligible for retirement at the time of his death shall be entitled to receive a pension calculated at the rate of 50% of the pension the member would have received for the surviving spouse's lifetime or her remarriage. If no spouse survives or if he or she survives and subsequently dies or remarries, then the child or children under the age of 18 years of the member of the police force or a member who retires on pension who dies shall, until reaching the age of 18 years, be entitled to receive the pension calculated; provided, further, that the benefit available to surviving children shall be extended beyond the age of 18 to the age of 23 when any surviving child is enrolled in an accredited institution of higher learning and carrying a minimum course load of seven credits per semester.

F. An early retirement benefit shall be available to any member of the police force with 20 or more years of service who terminates employment prior to the completion of superannuation retirement age and service requirements and who files a written application for an early retirement benefit, to be delivered to the Borough Manager for approval by Borough Council. The early retirement benefit shall become effective as of the date that the application was filed with the Borough Manager or the date that is actually on the application, whichever is later.

G. The early retirement benefit shall be the actuarial equivalent of a partial superannuation retirement benefit and shall be determined by applying the percentage that the member's years of service bear to the years of service that the member would have rendered had he/she continued to be employed until his/her superannuation retirement date to the gross pension amount calculated using the monthly average salary during the appropriate period (as determined by the Borough's actuary) prior to his termination of employment. There shall be an actuarial reduction of the partial superannua-

tion retirement benefit to reflect that it will commence on the effective date of the early retirement, rather than on the date on which the member would have completed superannuation age and service requirements. The actuarial reduction shall be calculated using the actuarial assumptions as reported in the last actuarial valuation report filed with the Public Employee Retirement Commission under the Municipal Pension Plan Funding Standard and Recovery Act.

H. It is intended that the early retirement provisions herein be interpreted in a manner consistent with and as authorized by House Bill No. 595 of Session 1997, authorizing early retirement for police. The early retirement provisions are in addition to and do not replace or modify any existing pension provisions herein.

I. Officers shall be permitted to vest their pensions after 12 years of full-time employment. Should a police officer, before completing superannuation retirement age and length of service requirements, but after having completed 12 years of total full-time service, for any reason cease to be employed by the Borough as a full-time police officer, he shall be entitled to vest his retirement benefits by filing with the Borough within 90 days of the date he ceases to be a full-time police officer a written notice of his intention to vest. Upon reaching the date which would have been his superannuation retirement date if he had continued to be employed as a full-time police officer, he shall be paid a partial superannuation retirement allowance determined by applying the percentage his years of service bear to the years of service which he would have rendered had he continued to work until his superannuation retirement date to the gross pension using, however, the monthly average salary during the appropriate period prior to his termination of employment.

J. Any member of the police force who has been employed for at least six months and who thereafter enters into the military service of the United States shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service if such person returns or has heretofore returned to his employment within six months after his separation from the service. Further, full service credit shall be provided for each year of military service or fraction thereof, not to exceed five years, to any member of the police force who was not employed by the Borough of Ambler prior to such military service. The amount due for the purchase of credit for military service other than intervening military service shall be computed by applying the average normal cost rate for Borough police pension plans as certified by the Public Employee Retirement Commission, but not to exceed 10%, to the member's average annual rate of compensation over the first three years of municipal service and multiplying the result by the number of years and fraction part of a year of creditable nonintervening military service being purchased, together with interest at the rate of 4 3/4% compounded annually from the date of initial entry into

the service of the Police Department of the Borough of Ambler to the date of payment.

(Ord. 859, 9/17/1990, §3; as amended by Ord. 937, 8/17/1998; by Ord. 992, 6/20/2005; and by Ord. 1020, 9/16/2008)

§1-404. Payments into Fund by Members.

1. Member Contributions. Members shall continue to pay into the Act 600 pension fund at a rate neither less than 5% nor more than 8% of their compensation as defined in prior ordinances. For any year in which it is determined by an actuarial valuation report prepared in accordance with the Municipal Plan Funding Standard and Recovery Act (Act 205) that the plan has a balance that is 25% in excess of the minimum amount needed to declare it actuarially sound and where Borough funds will not be required to keep the plan actuarially sound, then the Borough Council may, on an annual basis by ordinance or resolution, reduce or eliminate payments into the pension fund by its members. When required by the actuary in accordance with any such report, funding must resume as necessary to keep the balance at or above 25% in excess of the minimum needed for actuarial soundness, but member contributions will in such event remain within the parameters set forth above. Insofar as "actuarial soundness" is not always a number that can be determined with precision, such number shall be calculated to the best judgment of the actuary, in determining whether the fund is over-funded by at least 25%, and the actuary's determination shall control the funding.

2. Withholding. The specific terms for withholding member contributions and administration shall be set forth in the collective bargaining agreement.

3. Resolution Required. For any year in which the actuary has determined that no contributions to the plan are required to maintain the plan at 25% above the minimum needed to declare the plan actuarially sound, a resolution shall be adopted by Council setting forth that there shall be no contributions for that year based upon the findings of the actuary.

(Ord. 859, 9/17/1990, §4; as amended by Ord. 943, 9/20/1999; and by Ord. 950, 11/20/2000)

§1-405. Pension or Retirement Benefit.

The pension or retirement benefit shall be payable during the balance of the participant's life following the effective date of his retirement and after fulfillment of the age and service requirements set forth above. The benefit, payable monthly, shall be equal to 1/2 of the average yearly compensation to which the participant was entitled, during the last 36 months of his employment plus any service increments and COLA payments to which the participant may be entitled. In the event a member dies prior to vesting, his/her survivor(s) shall be entitled to 100% of the member's contributions, together

with interest, unless the member has designated some other beneficiary to receive such sums.

A. Service Increments and COLA.

(1) Service increments shall be added to the sum otherwise calculated above for each year in service in excess of 25 years, as follows:

(a) For the first year in excess of 25 years of service, a one-hundred-dollar-per-month service increment;

(b) For the second year in excess of 25 years of service, a two-hundred-dollar-per-month service increment;

(c) For a third year in excess of 25 years, a three-hundred-dollar-per-month service increment;

(d) For a fourth year in excess of 25 years, a four-hundred-dollar-per-month service increment;

(e) For a fifth year in excess of 25 years, and continuing thereafter for each subsequent year, a maximum service increment of $500 per month.

(2) In addition to the above, there will be such COLA payments that are provided for in §1-409 of this Part.

B. The sources of the payments dictated by the above provisions are:

(1) Primary benefits under Social Security laws, if any applicable, for which the police officer may be eligible because of age as if and when such benefits become payable to police officers of the Borough, on account of their service as police officers.

(2) Any remaining amounts necessary to fund the monthly benefits to be provided under this Section shall be from the police pension fund established by this Part.

C. Intervening Military Service. Retirement credit shall be provided for all periods of active military service to the United States, provided that the police officer has been employed with the Borough for six months prior to commencing active military service, and provided, further, that the employee returns to employment with the Borough within six months of the conclusion of active military service. If the period of military service entitles the employee to retirement pay from the United States military, then the credit described in this subsection shall not be applicable.

(Ord. 859, 9/17/1990, §5; as amended by Ord. 992, 6/20/2005; by Ord. 1000, 3/20/2006; and by Ord. 1059, 9/20/2011)

§1-406. Disability Pension.

Effective September 19, 1989, in the event that any participant shall become totally and permanently disabled as a result of a service connected injury or illness, he shall be entitled to receive a disability pension from the plan. For this purpose, a total and permanent disability shall mean a physical or mental condition which renders the participant incapable of performing the duties of a policeman. The amount of such disability pension shall be 75% of the monthly salary rate effective for the participant at the time of applying for the disability pension, including, however, any payments to which the participant would be entitled under the Social Security Act (42 U.S.C. § 301 et seq.). The disability pension shall begin at the expiration of any short-term (13 or 26 week) salary continuance plan of the Borough and shall continue thereafter during his disability until the last day of the month in which he would have attained his normal retirement age (i.e., the date on which he would have both attained his 50th birthday and completed 25 years of service); thereafter his regular age retirement pension shall be payable.

(Ord. 859, 9/17/1990, §6; as amended by Ord. 992, 6/20/2005; and by Ord. 1059, 9/20/2011)

§1-407. Termination or Discontinuance of Employment.

1. Each participant shall be entitled, in the event of termination or discontinuance of his employment for reasons other than retirement or death, to have returned to him the total amount of all such monies paid by him into the pension fund with interest at the rate of 4 1/2% per annum; or if the participant has completed 12 years of service, he may declare his pension vested, in which event he would not be entitled to the return of the aforesaid funds and interest. If such termination or discontinuance of employment is due to death and §1-403E is not applicable, such refund of money shall be paid to the participant's designated beneficiary or, in the absence thereof, to his estate.

2. A police employee with 12 years of service who desires to vest his or her pension benefits shall do so by filing with the Borough Council notice of an intention to do so within 90 days of the date of termination of employment. Upon reaching the date on which the employee would have qualified for a normal retirement benefit if he or shall had continued to be employed, he or she shall be paid a partial pension determined by applying the percentages his or her years of service bear to the years of service he or shall would have rendered had he or she continued to work until qualified for a normal retirement pension as set forth in §1-403D of the Codified Ordinances.

(Ord. 859, 9/17/1990, §7; as amended by Ord. 1059, 9/20/2011)

§1-408. Transfer of Contracts, Agreements or Funds.

All contracts, agreements or funds held for the purpose of providing pensions, annuities or retirement income or any of them, for any policeman who shall be a participant in the program herein established shall be and are transferred and assigned to the fund being continued and created herein. After such transfer, the Police Pension Fund shall assume the liability, if any, of continuing the payment of pensions to members of the police force retired prior to such transfer in accordance with the laws and regulations under which such members were retired.

(Ord. 859, 9/17/1990, §8)

§1-409. Cost-of-Living Adjustments.

1. Effective September 19, 1989, each retirement pension payable hereunder shall be adjusted annually as of each July 1 to reflect the cost-of-living change in the preceding calendar year, based upon the increase in the CPI-U Consumer Price Index of the U.S. Department of Labor for the Philadelphia area. Notwithstanding the above, the following limitations shall be applicable to all cost-of-living adjustments:

    A. The cost-of-living increase shall not exceed the percentage increase in the consumer price index from the year in which the participant last worked.

    B. In no case shall the total police pension benefits exceed 75% of the salary used for computing retirement benefits.

    C. The total of the cost-of-living increases shall not exceed 30%.

    D. No cost-of-living increase shall be granted which shall impair the actuarial soundness of the pension fund.

2. Effective January 1, 2007, each retirement pension payable hereunder shall be adjusted annually as of each January 1 to reflect the cost-of-living change in the calendar year based on the October CPI-U Consumer Price Index of the U.S. Department of Labor for the Philadelphia area. In no event shall the adjusted monthly pension be less than the monthly pension being paid in the prior year.

(Ord. 859, 9/17/1990, §9; as amended by Ord. 1010, 10/15/2007)

§1-410. Deferred Retirement Option Plan.

1. Eligibility and Definitions. Any member who has reached his/her normal retirement date may elect to become a participant in the DROP. Eligible employees who elect to participate in the DROP make an irrevocable commitment to separate from Borough service and retire upon ceasing participation in the DROP, which

they must do no later than five years after entering the DROP. Such employees remain employees of the Borough for all other purposes (except that deductions for employee pension contributions cease and the employee no longer accrues additional service credit for the Borough pension) and are not treated as separated from the Borough during their participation in the DROP. However, the determination of the retirement benefit amount is made and payment begun upon entry into the DROP, except that payments of that benefits are credited to a special DROP account subject to certain conditions, rather than to the employee directly. Relevant terms are further defined as follows:

DROP — a deferred retirement opinion plan; the DROP is not a plan as that term is used with respect to pension plans.

DROP ACCOUNT — the total amount credited to an individual DROP participant due to participation in the DROP.

DROP BENEFIT — a member's total DROP account balance at the time the member separates from active service.

DROP ENTRY DATE — the effective date of the member's participation in the DROP.

DROP PARTICIPANT — a member who is participating in the DROP.

DROP PERIOD — the duration of a member's participation in the DROP, from the DROP entry date to the date the member separates from active service with the Borough.

2. Election to Participate. Election to participate in DROP is irrevocable. The member shall make the election by using forms and procedures as prescribed by the Pension Board Trustees.

3. DROP Pension Payments. Upon entry into the DROP, a member's service and average applicable compensation shall be frozen and his/her DROP pension payment shall be calculated as if he/she actually retired on the date he/she entered the DROP. The monthly DROP pension payment, plus any applicable COLA, shall be paid to an individual DROP investment account. A third-party administrator shall maintain the account, independent of the Borough of Ambler. There shall be no additional costs to the Borough of Ambler under the DROP plan.

4. Individual DROP Investment Account. Each member shall select the investments in his/her individual investment account from an array of options as selected by the trustees. The trustees will select a third party to provide mutual fund or other investment options, record-keeping and reporting to the members and the trustees. All investment and administrative costs shall be charged against the individual DROP investment accounts of the participants.

5. Employee Contributions. Upon entry into the DROP, all Borough and employee contributions shall cease, with no additional costs to the Borough. The entry date shall be the date of receipt by the Borough of the member's application.

6. Maximum Participation. The maximum period of participation in the DROP is 60 months. Once the maximum participation has been achieved, the member must terminate employment and separate from service. There is no return to regular employment from a DROP.

7. Distribution Options. Commensurate with DROP participation, a member shall make an election, on forms designated by the Pension Board Trustees, of the pay-out option(s) he/she wishes at the termination of the DROP period. This election may be changed at any time prior to termination. The distribution options are as follows:

   A. A full and lump-sum distribution.

   B. Rollover to another qualified retirement plan (as permitted by law) or to an IRA.

   C. Purchase of an annuity.

   D. Keep the monies in the individual DROP investment account. Monies kept in the individual DROP investment account may be withdrawn in any manner desired by the member.

   E. Any other distribution provided by the Pension Board Trustees/third-party administrator.

8. Beneficiary Designation. Commensurate with DROP participation, a member shall make an election, on forms designated by the Pension Board Trustees, of the beneficiary or beneficiaries he/she wishes to receive the monies in his/her individual DROP investment account in the event of his/her death before all monies have been distributed.

9. Disability. A member who becomes permanently disabled during the DROP period and retires from service shall revert to his/her normal retirement pension and directly receive those pension payments that were being deposited into his/her DROP investment account. The participant will then have access to the distributions from his/her individual DROP investment account.

10. If the Commonwealth of Pennsylvania passes and implements legislation governing DROP plans in this state, any plan in effect in the Borough of Ambler will be brought into compliance with such legislation when required.

(Ord. 992, 6/20/2005)

B. Municipal Employees Pension Fund.

§1-411. Municipal Employees Pension Fund Created.

The Borough hereby creates a Municipal Employees Pension Fund to be maintained by a charge against each employee covered hereunder, by annual appropriations made by the Borough and by gifts, grants, devises or bequests which may be granted to the pension fund.

(Ord. 467, 12/12/1960, §1; as amended by Ord. 807, 5/20/1985, §1)

§1-412. Definitions.

CALENDAR YEAR — the period from January 1 to December 31, inclusive.

MONTHLY COMPENSATION — all monthly earnings received by a municipal employee from Ambler Borough

MUNICIPAL EMPLOYEE — a regular Borough employee whose assigned hours of work per week are at least 35 and who is scheduled to work for a minimum of 40 weeks per year.

The person holding the position of Borough Manager may opt not to become a participant in the Municipal Employees Pension Fund created by this subpart by participation in the International City Management Association Retirement Corporation (ICMA-RC) Retirement Plan.

(Ord. 467, 12/12/1960, §1-A; as added by Ord. 468, 1/9/1961; as amended by Ord. 770, 1/17/1983; and by Ord. 807, 5/20/1985, §1)

§1-413. Control Over Municipal Employees Pension Fund; Delegation of Responsibilities by Council.

Borough Council shall retain ultimate fiduciary control over the Municipal Employees Pension Fund; however, Borough Council may delegate the following responsibilities:

A. Council may appoint a subcommittee to review the performance of the investment manager and to review the fund's compliance with Act 205 of 1984, as from time to time amended, and with other requirements under state law.

B. Council may assign the daily administrative operations of the fund, including the receipt and allocation of money, to the Borough Manager.

C. Council may appoint a corporate trustee to serve in that capacity at any time of reference. The trust shall be managed under an appropriate deed of trust approved by Borough Council.

D. Council may delegate such other responsibilities as it may deem appropriate.

(Ord. 467, 12/12/1960, §2; as amended by Ord. 807, 5/20/1985, §1)

§1-414. Eligibility for Retirement.

The benefits from the Municipal Employees Fund shall be payable to municipal employees who have served the Borough for an aggregate total of at least five years from the date of last appointment and who have attained the age of at least 65 years, after which the municipal employee may retire from the Borough's service on a normal retirement benefit. An employee may retire at an earlier age under the following conditions:

A. An employee may retire prior to reaching the age of 65 years, after 20 years of service, on a reduced benefit, when permitted by Borough Council.

B. An employee who retires after having served the Borough for an aggregate total of 25 years and attaining the age of 55 years shall be entitled to the full benefit accrued up to the date of termination of employment; provided however, that the amount of retirement income to which said employee if entitled will not be payable until the employee attains the age of 62 years.

C. An employee who has attained the age of 53 and has at least 25 years of service to the Borough; provided, however, that such retirement benefit shall only be available between the dates of December 1, 2000, and January 31, 2001, and any qualified employee seeking to elect such retirement benefit must so state, in writing submitted to the Borough Manager, between (and including) said dates.

(Ord. 467, 12/12/1960, §3; as amended by Ord. 586, 1/10/1972; by Ord. 807, 5/20/1985 §1; and by Ord. 949, 11/20/2000)

§1-415. Employees' Contributions; Payroll Deduction System.

Municipal employees shall pay into the Municipal Employees Pension Fund an amount equal to 3% of their monthly compensation based on all earnings. The Borough Secretary is authorized to establish a system of payroll deductions for the administration of the fund.

(Ord. 467, 12/12/1960, §4; as amended by Ord. 621, 2/11/1974, §1; by Ord. 747, 11/16/1981; and by Ord. 807, 5/20/1985, §1)

§1-416. Determination of Pension.

1. Retirement at or After Age 65. The amount of monthly pension payable commencing on or after the employee's 65th birthday shall be the greater of Subsection A or B.

   A. Is 25% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding his or her 65th birthday, reduced by 1/15th for each full year of service by which the employee's service at retirement is less than 15 years.

   B. Is 40% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding his or her 65th birthday, reduced by 1/25th for each full year of service by which the employee's service at retirement is less than 25 years.

2. Retirement Prior to Age 65 after 20 Years of Service. The amount of monthly pension payable commencing upon the retirement prior to age 65 of an employee who has completed at least 20 years of service shall be the greater of Subsection A or B, multiplied by Subsection C where:

   A. Is 25% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding the employee's retirement multiplied by the percentage that the employee's actual years and months of service at retirement bear to the years and months of service which the employees would have completed at age 65 (minimum 15 years).

   B. Is 40% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding the employee's retirement, multiplied by the percentage that the employee's actual years and months of service at retirement bear to the years and months of service which the employee would have completed at age 65 (minimum 25 years).

   C. Retirement at or After Age 55 and Prior to Age 65 with at Least 25 Years of Service. The amount of monthly pension payable commencing upon the retirement after age 55 but prior to age 65 of an employee who has completed at least 25 years of service shall be the greater of Subsection C(1) or (2) multiplied by Subsection C(3) where:

      (1) Is 25% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding the employee's retirement, multiplied by the percentage that the employee's actual years and months

of service at retirement bear to the years and months of service which the employee would have completed at age 65 (minimum 15 years).

(2) Is 40% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding the employee's retirement, multiplied by the percentage that the employee's actual years and months of service at retirement bear to the years and months of service which the employee would have completed at age 65 (minimum 25 years).

(3) Is 100% reduced by 1/2% for each month that the employee's retirement precedes his 62nd birthday.

D. The monthly pension payable to those employees who elect to retire under the provisions of §1-414C shall be 50% of the average monthly compensation paid to such employee during the 36 months immediately preceding the month in which notice of election of this benefit is submitted.

(Ord. 467, 12/12/1960, §5; as amended by Ord. 774, 4/18/1983; by Ord. 807, 5/20/1985, §1; by Ord. 817, 2/17/1986; by Ord. 896, 2/22/1993; by Ord. 901, 8/16/1993; by Ord. 912, 4/18/1995; by Ord. 949, 11/20/2000; and by Ord. 957, 12/17/2001)

§1-417. Option of Employee as to Method of Payment of Pension.

A municipal employee who is eligible for retirement shall have the right to exercise the option, in writing, immediately upon retirement, to designate one of the following three alternative methods for payment of his or her pension:

A. The employee may elect to receive a pension, as provided for in §1-416 hereof, until the employee's death. The benefits payable to a retired municipal employee shall continue for a minimum of five years after the retirement of said employee. In the event of the death of a retired employee before the expiration of five years from the date of said employee's retirement, the balance of payments during said five-year period shall be made to the employee's designated beneficiary or to the employee's estate. Said election may only be made when accomplished by the written consent of the employee's spouse.

B. The employee may elect to receive an actuarially reduced pension, with provision to continue either 50% or 100% of that reduced pension to the employee's spouse, for the spouse's further lifetime.

C. The employee may elect to receive an actuarially reduced pension, with provision to continue 50% of that reduced pension to the employee's spouse, for the spouse's further lifetime. In the event that a municipal employee who is eligible for retirement fails to exercise the option provided for above, said

employee shall be deemed to have designated Alternative B as the method for payment of his or her pension.

(Ord. 467, 12/12/1960, §6; as amended by Ord. 774, 4/18/1983; by Ord. 807, 5/20/1985; and by Ord. 817, 2/17/1986)

§1-418. Employment of Actuary; Time Limit for Payment of Unfunded Liabilities; Determination of Future Service Costs.

The Borough may employ an actuary at a compensation to be determined from time to time by the Borough Council. In the event an actuary is employed by the Borough, the actuary shall perform all of the duties required by Act 205 of 1984, as from time to time amended, and such other duties as may be assigned to the actuary by Borough Council.

(Ord. 467, 12/12/1960, §7; as amended by Ord. 807, 5/20/1985, §1)

§1-419. Payments Charge Upon Municipal Employees Pension Fund Only.

Payments made under the provisions of this Part shall not be a charge on any other fund in the treasury of the Borough or under its control save the Municipal Employees Pension Fund herein created and provided for.

(Ord. 467, 12/12/1960, §8; as amended by Ord. 614, 11/12/1973; and by Ord. 807, 5/20/1985, §1)

§1-420. Rights of Borough, Participant and Beneficiary.

Any municipal employee who resigns or who is discharged from the service of the Borough after having contributed to the Municipal Employees Pension Fund created hereby and who is not eligible for payment of pension benefits from the fund shall, upon discontinuance of his or her employment with the Borough, be refunded all such monies paid by him or her into the said fund, together with all interest earned by such monies while in the pension fund at the rate of 4 1/2% simple interest per annum. If such termination or discontinuance is due to death, such money shall be paid to the employee's designated beneficiary or, in the absence thereof, to the employee's estate; provided, however, that in the case of an employee who is temporarily laid off by the Borough, said employee shall have the option of being refunded all monies paid by him or her into the fund or of allowing such monies to remain in the fund. Upon being called back into the service of the Borough, said employee shall continue payments into the fund as though no interruption had occurred and shall be deemed to have continued in service from the time of last appointment prior to being laid off, provided that no credit shall be given for the period of time during which said employee is laid off. If such employee has elected to receive the monies paid by him or her into the said fund, during the period of furlough, said employee shall redeposit with the Borough said amount of monies immediately upon returning to active employment. Failure on the part of such employee to redeposit

the monies received within 30 days of returning to active employment shall result in said employee being treated for pension fund purposes as having commenced work from the time of return to active employment and recommencement of payments into the fund. An employee who resigns or is discharged from service shall not be permitted, in the event of being reemployed by the Borough, to redeposit the monies paid to said employee at time of termination of prior service, in order to be reinstated as to such past service for purposes of this plan.

(Ord. 467, 12/12/1960, §9; as amended by Ord. 807, 5/20/1985, §1)

§1-421. Vesting.

1. If a municipal employee, before completing the retirement age and service requirements set forth in §1-414, but after having completed 10 years of total service, should for any reason cease to be employed as a municipal employee by the Borough in whose pension fund he or she has been a member, said employee shall be entitled to vest his or her pension benefits by filing with the Borough Council, within 90 days of the date he or she ceases to be a municipal employee, a written notice of intention to vest pension benefits and to leave in the Municipal Employees Pension Fund all contributions of monies made by such employee into the fund. Upon reaching the date on which the employee would have qualified for a normal retirement benefit if he or she had continued to be employed as a municipal employee, he or she shall be paid a partial pension determined by applying the percentages his or her years of service bear to the years of service which he or she would have rendered had he or she continued to work until he or she qualified for a normal retirement pension to the gross pension calculated under §416, using, however, the monthly average salary as provided in §416.

2. In the event a municipal employee dies after having vested his or her retirement benefits, said employee's spouse shall receive a lifetime pension commencing upon the occurrence of the later of the following two events:

   A. The death of the municipal employee.

   B. The earliest date upon which the municipal employee could have retired pursuant to §416 hereof based upon the number of years of service the employee had accumulated at the time of his or her death.

   Said spouse's pension allowance shall be calculated at the rate of 50% of the pension which the municipal employee would have received had the employee retired on the date on which said spouse's pension is to commence, based upon the years of service and amount of salary of said employee on the date of his or her death.

(Ord. 467, 12/12/1960, §10; as amended by Ord. 807, 5/20/1985, §1)

§1-422. Payments not Subject to Attachment or Other Legal Process; Assignment or Transfer.

Any payments herein provided shall not be subject to attachment and shall be payable only to those persons indicated to be eligible for pension payments and shall not be subject to assignment or transfer.

(Ord. 467, 12/12/1960, §10; as amended by Ord. 807, 5/20/1985, §1)

§1-423. Eligibility for Participation.

No municipal employee shall be eligible for participation in the Municipal Employees Pension Fund created by this Part until such employee shall have completed six months service with the Borough, as an employee; provided, however, that upon completion of six months of service, an employee shall receive credit for said six months of service towards the employee's eligibility for pension benefits.

(Ord. 467, 12/12/1960, §12; as amended by Ord. 807, 5/20/1985, §1)

§1-424. Certain Expenses Payable by Borough.

The expenses and administration and management of the fund, including the compensation of an actuary, if such be employed, and of the trustee of the fund, may be paid by the Borough or from the fund as shall be determined from time to time by Borough Council.

(Ord. 467, 12/12/1960, §13; as amended by Ord. 774, 4/18/1983; as amended by Ord. 807, 5/20/1985, §1)

§1-425. Authority to Transfer Assets of Fund Into State Administered Retirement Plan.

In the event the Borough, at some future date, should elect to participate in a state administered retirement plan in lieu of the Municipal Employees Pension Fund Plan established under the terms of this Part, Borough Council may transfer or cause the trustee to transfer all the then assets of the Municipal Employees Pension Fund into the said state administered plan.

(Ord. 467, 12/12/1960; as amended by Ord. 774, 4/18/1983; and by Ord. 807, 5/20/1985, §1)

§1-426. Authority to Amend or Terminate Municipal Employees Pension Fund; Allocation of Assets Thereafter.

1. The Borough reserves the right to amend or terminate this Municipal Employees Pension Fund by subsequent ordinance. If the Municipal Employees Pension Fund is terminated, the assets then remaining in the fund shall be allocated as follows:

   A. There shall first be allocated from the fund an amount sufficient to refund to all active employees the total amounts of all monies paid by each employee into the pension fund along with the accrued interest at the rate of 4 1/2% per annum.

   B. If any funds remain, there shall be allocated from the fund an amount sufficient to continue, for the balance of their lives, all pensions then being paid to municipal employees retired prior to the date of termination. The amount of pension payable to each such municipal employee retired or eligible to retire from the Municipal Employee Pension Fund shall be that to which he is entitled under the fund at the date of termination. In the event the assets remaining in the fund are insufficient to enable the full amount of such pensions to be provided, the monthly pensions to be provided for each such municipal employee shall be the same proportion of the total monthly benefit to which he is then entitled.

   C. If any funds remain, there shall be allocated to municipal employees then participating in the plan, in order of age, commencing with the eldest, an amount sufficient to provide for each participating employee the total of his past service benefit as defined in §1-416.

   D. If any funds remain, they shall either be returned to the Borough or allocated additional pensions for all retired and active participating employees, increasing each employee's pension in the same proportion.

2. All prior provisions of the Code of Ordinances, Borough of Ambler, not inconsistent herewith shall remain in full force and effect; and all provisions that are inconsistent herewith are hereby repealed.

(Ord. 467, 12/12/1960, §15; as amended by Ord. 485, 5/14/1962, §2; and by Ord. 807, 5/20/1985, §1)

C. Firemen's Relief Association.

§1-431. Firemen's Relief Association Recognized.

The Borough Council of the Borough of Ambler does hereby and has heretofore recognized the Wissahickon Fire Company Relief Association of the Borough of Ambler as the Firemens' Relief Fund Association of the Wissahickon Fire Company, and the Borough Council hereby appropriates and will hereafter appropriate unto the said Wissahickon

Fire Company Relief Association such sums as may hereafter be received by the Borough from the tax paid on premiums received from foreign fire companies, as the same may become available for this purpose.

(Res. 10/3/1932)

PART 5

WARD REALIGNMENT AND REAPPOINTMENT FOR THE ELECTION OF MEMBERS OF BOROUGH COUNCIL

§1-501. Purpose of Wards.

There shall be three wards or districts for the purpose of the subdivision of the Borough of Ambler for the election of members of Borough Council.

(Ord. 792, 9/17/1984)

§1-502. Boundaries of First Ward.

The boundaries of the first ward are described as follows:

WARD NO. 1.

BEGINNING at the point of intersection of the center line of Mount Pleasant Avenue with the center line of Knight Road; thence in a northeasterly direction along the aforesaid center line of Mount Pleasant Avenue, said center line marking the boundary between the Borough of Ambler, and Lower Gwynedd Township, 2,300 feet more or less to the point of intersection of the aforesaid center line of Mount Pleasant Avenue with the westerly right-of-way line of Bethlehem Pike, 60 feet wide; thence along the aforesaid westerly side line of Bethlehem Pike in a southeasterly direction, partly along Lower Gwynedd Township and Upper Dublin Township, 3,600 feet more or less to the point of intersection of the southwesterly side line of Bethlehem Pike with the center line of Butler Avenue; thence along the aforesaid center line of Butler Avenue in a southwesterly direction 2500 feet more or less to the point of intersection with the center line of Ridge Avenue; thence along the aforesaid center line of Ridge Avenue in a northwesterly direction 1,750 feet more or less to the point of intersection with the center line of Tennis Avenue; thence in a northeasterly direction, along the northwesterly right-of-way line of Tennis Avenue, 1,210 feet more or less to the point of intersection of the northwesterly right-of-way line of Tennis Avenue to the point of intersection of the northeasterly right-of-way line of Hendricks Street; thence along the said northeasterly right-of-way line of Hendricks Street in a northwesterly direction, 1,120 feet more or less to the point and place of beginning.

(Ord. 792, 9/17/1984)

§1-503. Boundaries of Second Ward.

The boundaries of the second ward are described as follows:

WARD NO. 2.

BEGINNING at the point of intersection of the center line of Mount Pleasant Avenue with the center line of Knight Road; thence in a southeasterly direction along the northwesterly right-of-way line of Hendricks Street, 1,120 feet more or less to the point of intersection of the northwesterly right-of-way line of Tennis Avenue; thence along the said northwesterly right-of-way line of Tennis Avenue in a southwesterly direction, 1,210 feet more or less to a point of intersection with the center line of Ridge Avenue; thence along said center line of Ridge Avenue in a southeasterly direction 1,750 feet more or less to the point of intersection with the center line of Butler Avenue; thence along the aforesaid center line of Butler Avenue in a northeasterly direction 680 feet more or less to the point of intersection with the center line of Lindenwold Avenue; thence along the aforesaid center line of Lindenwold Avenue in an easterly direction 640 feet more or less to the point of intersection with the center line of Park Avenue; thence along the aforesaid center line of Park Avenue in a southerly direction 1,080 feet more or less to the point of intersection with the center line of Rosemary Avenue; thence along the aforesaid center line of Rosemary Avenue in a westerly direction 135 feet more or less to a point of intersection with the center line of Lemon Street; thence along the aforesaid center line of Lemon Street in a southwesterly direction 570 feet more or less to a point of intersection with the center line of Trinity Avenue; thence along the aforesaid center line of Trinity Avenue in a northwesterly direction 225 feet more or less to the point of intersection with the center line of Orange Avenue; thence in a southwesterly direction, partly along the aforesaid center line of Orange Avenue to a point of intersection with the center line of Main Street; and thence continuing on a straight line extension of the aforesaid center line of Orange Avenue, crossing over the North Pennsylvania Branch of the former Reading Railroad, for a total distance of 2,260 feet more or less to the point of intersection with a line marking the boundary between the Borough of Ambler and the Township of Upper Dublin; thence in a generally northerly direction partly along the aforesaid boundary line between the Borough of Ambler and the Township of Upper Dublin and partly along the boundary line between the Borough of Ambler and Whitpain Township, and partly along the boundary line between the Borough of Ambler and Lower Gwynedd Township, to a point located 150 feet more or less northwest of the point of intersection of the aforesaid center line of Mount Pleasant Avenue with the northeasterly right-of-way line of the aforesaid North Pennsylvania Branch of the former Reading Railroad; thence in a northeasterly direction, continuing along a line marking the boundary between the Borough of Ambler and the Township of Lower Gwynedd, 1,890 feet more or less to the point of intersection with the aforesaid center line of Knight Road; thence along the aforesaid center line of Knight Road in a southeasterly direction 450 feet more or less to the point and place of beginning.

(Ord. 792, 9/17/1984)

§1-504. Boundaries of Third Ward.

The boundaries of the third ward are described as follows:

WARD NO. 3.

BEGINNING at the point of intersection of the center line of Butler Avenue with the southwesterly right-of-way line of Bethlehem Pike, 60 feet wide; thence in a southeast to a southerly direction along the aforesaid right-of-way line of Bethlehem Pike, a line marking the boundary line between the Borough of Ambler and Upper Dublin Township, 2750 feet more or less to a point south of Church Street: thence in a southwesterly direction, along the line marking the boundary between the Borough of Ambler and Upper Dublin Township, for a distance of 210 feet more or less to a point on the center line of Church Street; thence along the aforesaid center line of Church Street in a southwesterly direction, still along the boundary line between the Borough of Ambler and Upper Dublin Township, 1600 feet to the point of intersection with the center line of Ambler Road; thence along the aforesaid center line of Ambler Road in a southeasterly direction, still along the boundary line with Upper Dublin Township, 130 feet more or less to the point of intersection with the center line of a private alley located in the rear of the properties fronting onto the southeast side of Church Street; thence along the aforesaid center line of a private alley in a southwesterly direction, still along the boundary line with Upper Dublin Township, 600 feet more or less to the point of intersection with the rear property line of properties fronting onto the northeast side of Main Street; thence along said rear property line in a southeasterly direction, still along the boundary line with Upper Dublin Township, 130 feet more or less to the point of intersection with the center line of Randolph Avenue; thence along the aforesaid center line of Randolph Avenue in a southwesterly direction, still along the boundary line with Upper Dublin Township, 120 feet more or less to the point of intersection with the center line of Main Street thence along the aforesaid center line of Main Street in a northwesterly direction, still along the boundary line with Upper Dublin Township, 190 feet more or less to the point of intersection with the aforesaid center line of Church Street; thence along the aforesaid center line of Church Street in a southwesterly direction, continuing along the boundary line of Upper Dublin Township, and crossing the North Pennsylvania Branch of the former Reading Railroad, 600 feet more or less to a point; thence in a northwesterly direction, continuing along the boundary with Upper Dublin Township, 1,400 feet more or less to a point; thence in a northeasterly direction, partly along the line being a projection of the center line of Orange Avenue to the southwest of Main Street, crossing over the aforesaid North Pennsylvania Branch of the former Reading Company to Main Street, and partly along the aforesaid center line of Orange Avenue, for a total distance of 2,260 feet more or less to the point of intersection with the center line of Trinity Avenue; thence along the aforesaid center line of Trinity Avenue in a southeasterly direction 225 feet more or less to a point of intersection with the center line of Lemon Street; thence along the aforesaid center line of Lemon Street in a northeasterly direction 570 feet more or less to the point of intersection with the center line of Rosemary Avenue; thence along the aforesaid center line of Rosemary Avenue in an easterly

direction 135 feet more or less to the point of intersection with the center line of Park Avenue; thence along the aforesaid center line of Park Avenue in a northerly direction 1,080 feet more or less to the point of intersection with the center line of Lindenwold Avenue; thence along the aforesaid center line of Lindenwold Avenue in a westerly direction 640 feet more or less to the point of intersection in the aforesaid center line of Butler Avenue; thence in a northeasterly direction along the aforesaid center line of Butler Avenue 1,820 feet to the point and place of beginning.

(Ord. 792, 9/17/1984)

§1-505. Redistricting Based on Federal Census.

Said wards or districts are composed of compact and contiguous territory as nearly equal in population as practicable as officially and finally reported in the most recent Federal Census.

(Ord. 792, 9/17/1984)

PART 6

FIRE LOSS PROCEEDS

§1-601. Use of Fire Insurance Proceeds.

1. No insurance company, association or exchange (hereinafter "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds $7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to §508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedures set forth in §508(c) of the Act.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims") or there are expenses which the Borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the [Designated Official] of the Borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

   A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

   B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

   Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law, upon receipt of a certificate and bill pursuant to Subsection A of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of Subsection 3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to Subsection 2 of this Section or where the Treasurer has issued a certificate described in Subsection 2A indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, $2,000 for each $15,000 of such claim or fraction thereof.

B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimated is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses; provided, the Borough has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.

(4) Pay to the [Designated Official], for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the [Designated Official] that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.

(6) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part or to insurance proceeds by an action at law or in equity to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem responsible.

(Ord. 991, 8/15/2005)

§1-602. Limits of Liability.

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

(Ord. 991, 8/15/2005)

§1-603. Insurance Company Rights Reserved.

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment, including all rights of subrogation and of assignment.

(Ord. 991, 8/15/2005)

§1-604. Notification of Pennsylvania Department of Community and Economic Development.

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

(Ord. 991, 8/15/2005)

§1-605. Penalty.

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 991, 8/15/2005)

PART 7

TEMPORARY ABATEMENT OF ORDINANCES BY RESOLUTION OF BOROUGH COUNCIL

§1-701. Purpose for Abatement.

Whenever in the opinion of Borough Council, evidenced by its resolution duly adopted, a public interest of the Borough of the citizens of the Borough dictates that one or several ordinances should be temporarily abated for one or more days then it shall, by Council resolution, so declare such abatement.

(Ord. 904, 10/11/1993)

§1-702. Procedure Before Council and Conditions.

Any person or group requesting such abatement shall:

A. Request the same in writing of Borough Council.

B. Execute a letter of indemnification prepared by the Borough Solicitor.

C. File with the Borough Manager certificates of insurance for the liability against which the Borough is being indemnified as the circumstances permit, naming the Borough as an additional assured and in such amounts as shall be contained in the Council resolution ordering the abatement.

(Ord. 904, 10/11/1993)

§1-703. Notice Provisions.

Borough Council, by advertisement, shall notify the citizens and through the Borough Manager notify the Borough Police Department.

(Ord. 904, 10/11/1993)

§1-704. Penalty.

Any person proceeding under this Part who breaches this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 904, 10/11/1993; as amended by Ord. 991, 8/15/2005)

PART 8

PUBLIC RECORDS

§1-801. Purpose and Policy.

1. The purpose of this Part is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. §66.1, et seq., as amended, to provide access to the records of the Borough of Ambler (hereinafter "the Borough"), to preserve the integrity of the Borough's records and to minimize the financial impact to the residents of the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

2. It is the policy of the Borough to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Borough. The Borough designates the Borough Manager as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

   A. The Borough Manager may designate certain employee(s) to process public record requests.

   B. The Borough Manager is responsible for minimizing, where possible, the financial impact to the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

   C. All requests for the records of the Borough under this policy shall be specific in identifying and describing each public record requested. In no case shall the Borough be required to create a public record which does not exist or to compile, maintain, format or organize the public record in a manner which the Borough does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the Borough, as attached hereto, entitled "Request for Public Records."

   D. The designated employee shall make a good faith effort to determine whether each record requested is a public record.

   E. The Borough shall facilitate a reasonable response to a request for Borough public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Borough's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

   F. The designated employee shall respond to the requester within five business days from the date of receipt of the written request. If the Borough does not

respond within five business days of receipt thereof, the request is deemed denied.

G. The response provided by the Borough shall consist of a review of the request by the designated employee, approval for access to the public record or denial of access to the record requested.

H. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect the Borough records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

I. Fees for duplication of public records shall be as follows:

(1) Photocopying – in an amount to be established, from time to time, by resolution of Borough Council.

(2) Duplication of public electronic and/or taped records – actual cost to the Borough of duplicating the public record.

(3) Certified copies – in an amount to be established, from time to time, by resolution of Borough Council.

(4) Postage – actual cost to the Borough of mailing the public record.

The Borough may, in its discretion, waive any one or more of the above fees.

J. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed $100, the designated employee(s) shall obtain 50% of the expected cost in advance of fulfilling the request to avoid unwarranted waste of administrative resources and expense to the Borough.

K. If the request is being reviewed, the notice provided by the Borough shall be in writing and shall include the reason for the review and expected response date, which shall be within 30 days of the notice of review. If the Borough does not respond within 30 days thereof, the request is deemed denied. Review of the request is limited to situation where:

(1) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information.

(2) The record requires retrieval from a remote location.

(3) A timely response cannot be accomplished due to staffing limitations.

(4) A legal review is necessary to determine whether the record requested is a public record.

(5) The requester has failed to comply with the Borough's policy and procedure requirements.

(6) The requester refuses to pay the applicable fees.

3. If access to the record requested is denied, the notice provided by the Borough shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Ambler Borough Records."

4. If the request is denied or deemed denied, the requester may file exceptions with the Borough within 15 business days of the mailing date of the Borough's notice of denial, or within 15 days of a deemed denial. The exceptions must:

A. Indicate the date of the original request.

B. Identify and describe the record(s) requested.

C. State the grounds upon which the requester asserts the record(s) is a public record.

D. Address any grounds stated by the Borough in its notice of denial.

5. The Borough shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within 30 days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

6. This Part shall be posted conspicuously at the Borough municipal building, 122 E. Butler Avenue, Ambler, Pennsylvania.

(Res. 2003-10, 9/15/2003)

PART 9

IDENTITY THEFT PROGRAM

§1-901. Purpose.

The purpose of this Part is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

(Ord. 1037, 4/21/2009)

§1-902. Definitions.

For purposes of this Part, the following definitions apply:

COVERED ACCOUNT —

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and

2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

CREDIT — the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

CREDITOR — any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

CUSTOMER — a person that has a covered account with a creditor.

IDENTITY THEFT — a fraud committed or attempted using identifying information of another person without authority.

PERSON — a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

PERSONAL IDENTIFYING INFORMATION — a person's credit card account information, debit card information bank account information and driver's license information and, for a natural person, includes their social security number, mother's birth name, and date of birth.

SERVICE PROVIDER — a person that provides a service directly to the Borough.

(Ord. 1037, 4/21/2009)

§1-903. Findings.

1. The Borough is a creditor pursuant to 16 CFR 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears. Covered accounts offered to customers for the provision of Borough services include those that are created in connection with the provision of water utility services. The processes of opening a new covered account and making payment on such accounts have been identified as potential processes in which identity theft could occur. The Borough limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the Borough's computer system and is not otherwise recorded.

2. The Borough determines that there is a risk of identity theft occurring in the following ways:

   A. Use by an applicant of another person's personal identifying information to establish a new covered account.

   B. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name.

   C. Use of another person's credit card bank account or other method of payment by a customer to pay such customer's covered account or accounts.

   D. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

(Ord. 1037, 4/21/2009)

§1-904. Process of Establishing a Covered Account.

As a precondition to opening a covered account in the Borough, each applicant shall provide the Borough with personal identifying information of the customer with required information, for example: a valid government issued identification card containing a photograph of the customer or for customers who are not natural persons a photograph of the customer's agent opening the account. Such information shall be entered directly into the Borough's computer system and shall not otherwise be recorded. Each account shall be assigned an account number and personal identification number (PIN), which shall be unique to that account. The Borough may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

(Ord. 1037, 4/21/2009)

§1-905. Access to Covered Account Information.

Access to customer accounts shall be password protected and shall be limited to authorized Borough personnel. Such password(s) shall be changed by the Water Department on a regular basis, shall be at least eight characters in length and shall contain letters, numbers and symbols. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Borough Manager and the password changed immediately. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Borough Manager.

(Ord. 1037, 4/21/2009)

§1-906. Credit Card Payments.

1. In the event that credit card payments that are made over the internet are processed through a third-party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

2. All credit card payments made over the telephone or the Borough's website shall be entered directly into the customer's account information in the computer data base.

3. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

(Ord. 1037, 4/21/2009)

§1-907. Sources and Types of Red Flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft, and such red flags may include:

A. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:

(1) A fraud or active duty alert that is included with a consumer report.

(2) A notice of credit freeze in response to a request for a consumer report.

(3) A notice of address discrepancy provided by a consumer reporting agency.

(4) Indications of a pattern of activity in a consumer report that are inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

(a) A recent and significant increase in the volume of inquiries;

(b) An unusual number of recently established credit relationships;

(c) A material change in the use of credit, especially with respect to recently established credit relationships; or

(d) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious documents. Examples of suspicious documents include:

(1) Documents provided for identification that appear to be altered or forged.

(2) Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer.

(3) Identification on which the information is inconsistent with information provided by the applicant or customer.

(4) Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check or.

(5) An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

(1) Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:

(a) The social security number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

(2) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

(3) Personal identifying information or a phone number or address is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.

(4) Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity,

(5) The SSN provided is the same as that submitted by other applicants or customers.

(6) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

(7) The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

(8) Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

(9) The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

D. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

(1) Shortly following the notice of a change of address for an account, Borough receives a request for the addition of authorized users on the account.

(2) A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:

(a) The customer fails to make the first payment or makes an initial payment but no subsequent payments.

(3) An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

(a) Nonpayment when there is no history of late or missed payments.

(b) A material change in purchasing or spending patterns.

(4) An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

(5) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.

(6) The Borough is notified that the customer is not receiving paper account statements.

(7) The Borough is notified of unauthorized charges or transactions in connection with a customer's account.

(8) The Borough is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft relating to covered accounts.

(Ord. 1037, 4/21/2009)

§1-908. Prevention and Mitigation of Identity Theft.

1. In the event that any Borough employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether

such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Borough Manager if, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Manager who may in his or her discretion determine that no further action is necessary. If in his or her discretion it is determined that further action is necessary, a Borough employee shall perform one or more of the following responses, as determined to be appropriate:

A. Contact the customer.

B. Make the following changes to the account if after contacting the customer it is apparent that someone other than the customer has accessed the customer's covered account:

(1) Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or

(2) Close the account.

C. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue.

D. Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account.

E. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information.

F. Take other appropriate action to prevent or mitigate identity theft.

2. In the event that any Borough employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this infor-

mation to the Manager who may in his or her discretion determine that no further action is necessary. If, in his or her discretion it is determined that further action is necessary, a Borough employee shall perform one or more of the following responses, as determined to be appropriate:

A. Request additional identifying information from the applicant.

B. Deny the application for the new account.

C. Notify law enforcement of possible identity theft.

D. Take other appropriate action to prevent or mitigate identity theft.

(Ord. 1037, 4/21/2009)

§1-909. Updating the Program.

Borough Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the Borough and its covered accounts from identity theft. In so doing, the Borough Council shall consider the following factors and exercise its discretion in amending the program:

A. The Borough's experiences with identity theft.

B. Updates in methods of identity theft.

C. Updates in customary methods used to detect, prevent, and mitigate identity theft.

D. Updates in the types of accounts that the Borough offers or maintains.

E. Updates in service provider arrangements.

(Ord. 1037, 4/21/2009)

§1-910. Administration.

1. The Water Department Supervisor is responsible for oversight of the program and for program implementation. The Manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program as necessary in the opinion of the Manager to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to Borough Council for consideration by the Council.

2. Staff will report to the Manager, at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

   A. The effectiveness of the policies and procedures of the Borough in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts.

   B. Service provider arrangements.

   C. Significant incidents involving identity theft and management's response.

   D. Recommendations for material changes to the program.

3. The Water Department Supervisor is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program.

(Ord. 1037, 4/21/2009)

PART 10

VOLUNTEER FIREFIGHTERS AND AMBULANCE PERSONNEL

A. Authorized Activities.

§10-1001. Workers' Compensation Coverage.

1. All volunteer members of the Wissahickon Fire Company, which serves the inhabitants of the Borough, shall be considered employees of the Borough for purposes of receiving compensation pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), 77 P.S. §601(a)(1), for injuries sustained while actively engaged in performing the following duties (although not regular employees of the Borough as that term is otherwise defined in the law):

   A. Responding to alarms, including all emergency and firefighting activities related thereto; auto rescue; water rescue; hazardous materials alarms; and assistance to other municipalities (whether on an emergency scene in another municipality or on standby at the fire company when requested by another municipality); assistance to the fire police; and all special alarms as authorized by the Fire Chief or the Officer in Charge. For purposes of this paragraph, "responding to alarms" shall include the volunteer firefighter's travel from and the direct return to a firefighter's home, place of business or other place where he or she shall have been when he or she received the call or alarm.

   B. Answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the Fire Company.

   C. Performing repair, maintenance of or other work on fire company equipment, buildings and property at the direction of the Fire Chief or Officer in Charge.

   D. Participating in instruction fire drills and other training exercises pertaining to the operation and certification of the fire company, including training exercises in conjunction with fire companies in other municipalities, as authorized by the Fire Chief or Officer in Charge.

   E. Participating in Fire Prevention Week activities in the Borough and with fire companies in other municipalities, when authorized by the Fire Chief or the Officer in Charge.

   F. Participating in fund-raising events sponsored by the Fire Company at their firehouses or on Borough property. Participation in fund-raising activities of any kind at all other locations shall not be allowed without the prior written authorization of the Borough Council or Manager acting on behalf of the Council.

G. Participating in parades, equipment housings and funerals for fire personnel within the Borough of Ambler, and in other municipalities only with the prior written authorization by the Borough Council or the Manager acting for the Council.

H. Participating in any and all additional events or activities for which such participation is expressly pre-authorized in writing by the Borough Council or the Manager acting for the Council.

2. All volunteer members of the Community Ambulance Association, which serves the inhabitants of the Borough of Ambler, shall be considered employees of the Borough for purposes of receiving compensation pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), 77 P.S. §601(a)(2), for injuries sustained while actively engaged as ambulance corpsmen (although not regular employees of the Borough as that term is defined for other purposes), including the following duties:

A. Responding to emergencies, including fire, accident or other emergencies; and all special alarms. For purposes of this paragraph, "responding to emergencies" shall include the ambulance corpsman's travel from and the direct return to a corpsman's home, place of business or other place where he or she shall have been when he or she received the call or alarm.

B. Answering any emergency calls for any purpose or riding in or upon the ambulance apparatus which is owned by the Ambulance Company.

C. Performing maintenance of ambulance apparatus, buildings and property, when such activity is authorized by the Ambulance Company or other person in charge.

D. Participating in training exercises pertaining to the operation and certification of the Ambulance Company, including training exercises in conjunction with ambulance companies in other municipalities, as approved by the Company or other person in charge.

E. Participating in fund-raising events sponsored by the Ambulance Company on Borough property. Participation in fund-raising activities of any kind at all other locations shall not be allowed without the prior written authorization of the Borough Council or the Manager acting for the Council.

F. Participating in parades and other events within the Borough of Ambler, and in other municipalities only when expressly pre-authorized in writing by the Borough Council or Manager acting for the Council.

G. Participating in any and all additional events or activities for which such participation is expressly pre-authorized in writing by the Borough Council or Manager acting for the Council.

3. Except where otherwise stated herein, nothing contained in this Section shall be considered to limit in any way the activities for which compensation is available to volunteer fire personnel or volunteer ambulance corpsmen pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), as set forth in 77 P.S. §601(a)(1) and/or (a)(2).

(Ord. 1038, 6/16/2009)

PART 11

FUND BALANCE POLICY

§1-1101. Title.

This Part 11 shall be known as the "Borough of Ambler Governmental Accounting Standards Board Statement No. 54 Fund Balance Policy Ordinance."

(Ord. 1061, 11/15/2011)

§1-1102. Definitions.

The following words and phrases, when used in this Part 11, shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

ASSIGNED FUND BALANCE — includes spendable fund balance amounts established by management of the Borough that are intended to be used for specific purposes that are neither considered restricted or committed.

COMMITTED FUND BALANCE — amounts that can be used only for the specific purposes determined by a formal action (ordinance or resolution) of the Borough of Ambler Council (the level of decision-making authority in the Borough). Commitments maybe changed or lifted only by the Borough of Ambler taking the same formal action (ordinance or resolution) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

FUND BALANCE — as defined by the Governmental Accounting, Auditing and Financial Reporting of the Government Finance Officers Association (GFOA), "fund balance is the difference between assets and liabilities reported in a governmental fund."

NONSPENDABLE FUND BALANCE — amounts that are (a) not in spendable form or (b) legally or contractually required to be maintained intact. "Not in spendable form" includes items that are not expected to be converted to cash (such as inventories and prepaid amounts) and items such as long-term amounts of loans and notes receivable, as well as property acquired for resale. The corpus (or principal) of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

RESERVATIONS OF FUND BALANCE — reserves established by the Borough Council (committed fund balance) or Borough management (assigned fund balance).

RESTRICTED FUND BALANCE — amounts that can be spent only for specific purposes:

A. Stipulated by external resource providers such as creditors (by debt covenants), grantors, contributors or laws or regulations of other governments; or

B. Imposed by law through constitutional provisions or enabling legislation.

UNASSIGNED FUND BALANCE — the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund. Unassigned fund balance may also include negative balances for any governmental fund if expenditures exceed amounts restricted, committed, or assigned for those specific purposes.

UNRESTRICTED FUND BALANCE — the total of committed fund balance, assigned fund balance and unassigned fund balance.

(Ord. 1061, 11/15/2011)

§1-1103. Purpose.

1. The Borough hereby establishes and will maintain fund balances, as defined herein, in accordance with Governmental Accounting and Financial Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. Fund balance shall be composed of nonspendable, restricted, committed, assigned and unassigned amounts.

2. A Fund Balance Policy is adopted in order to secure and maintain investment-grade credit ratings, meet seasonal shortfalls in cash flow, and reduce susceptibility to emergency or unanticipated expenditures and/or revenue shortfalls. Fund balance information is used to identify the available resources to repay long-term debt, reduce property taxes, add new governmental programs, expand existing ones, or enhance the financial position of the Borough, in accordance with policies established by the Borough Council.

3. This Fund Balance Policy establishes:

   A. Fund balance policy for the general fund;

   B. Reservations of fund balance for the general fund;

   C. The method of budgeting the amount of estimated unrestricted fund balance available for appropriation during the annual budget adoption process (prior to the actual, audited fund balance being known) and what actions may

need to be taken if the actual fund balance is significantly different than the budgetary fund balance; and

D. The spending order of operating revenues and fund balances.

(Ord. 1061, 11/15/2011)

§1-1104. Fund Balance Policy (General Fund).

1. Restricted Fund Balance. There is no restricted fund balance in the general fund. Amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors (by debt covenants), grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional provisions or enabling legislation will be budgeted and reported in special revenue funds, capital project funds or debt service funds.

2. Committed Fund Balance.

   A. Commitment of fund balance may be made for such purposes including but not limited to:

      (1) Major maintenance and repair projects;

      (2) Meeting future obligations resulting from a natural disaster;

      (3) Accumulating resources pursuant to stabilization arrangements;

      (4) Establishing reserves for disasters; and/or

      (5) Setting aside amounts for specific projects.

   B. Commitment of fund balance may be made from time to time by ordinance or resolution of the Borough Council. Commitments may be changed or lifted only by the Borough Council taking the same formal action that imposed the constraint originally (ordinance or resolution). The use (appropriation) of committed fund balances will be considered in conjunction with the annual budget adoption process or by budget amendment approved by ordinance or resolution of the Borough Council during the fiscal year.

3. Assigned Fund Balance.

   A. Assignment of fund balance may be:

      (1) Made for a specific purpose that is narrower than the general purposes of the government itself; and/or

(2) Used to reflect the appropriation of a portion of existing unassigned fund balance to eliminate a projected deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues.

B. Assigned fund balance shall reflect management's intended use of resources as set forth in the annual budget (and any amendments thereto). Assigned fund balance may or may not be appropriated for expenditure in the subsequent year, depending on the timing of the project/reserve for which it was assigned.

4. Nonspendable Fund Balance. Nonspendable fund balance is established to report items that are not expected to be converted to cash, such as inventory and prepaid items; items not currently in cash form, such as the long-term amount of loans and notes receivable as well as property acquired for resale; and items legally or contractually required to be maintained intact, such as the corpus (or principal) of a permanent fund.

5. Minimum Level of Unassigned Fund Balance.

A. Unassigned fund balance is the residual classification for the general fund and represents fund balance that has not been restricted, committed or assigned to specific purposes within the general fund.

B. If, after the annual audit, prior committed or assigned fund balance causes the unassigned fund balance to fall below 5% of general fund budgeted operating expenditures, the Finance Director will so advise Borough Council in order for the necessary action to be taken to restore the unassigned fund balance to 5% of general fund budgeted operating expenditures.

C. The Borough Manager will prepare and submit a plan for committed and/or assigned fund balance reduction, expenditure reductions and/or revenue increases to the Borough Council. The Borough shall take action necessary to restore the unassigned fund balance to acceptable levels within two years.

(Ord. 1061, 11/15/2011)

§1-1105. Reservations of Fund Balance (General Fund).

1. Committed Fund Balance.

A. The Borough of Ambler hereby establishes the following committed fund balance reserves in the general fund:

(1) Financial Stabilization. The financial stabilization fund balance is committed by the Borough of Ambler as set forth by the GFOA, which recommends, at a minimum, that general purpose governments, re-

gardless of size, maintain no less than one or two months of regular general fund budgeted operating expenditures. A government's particular situation may require levels of reserves in the general fund significantly in excess of the GFOA's recommended minimum levels.

B. It will be the responsibility of the Borough's Finance Director to report the current committed fund balances in the Borough's annual audited financial statements and six-month compiled financial statements.

2. Assigned Fund Balance.

A. The Ambler Borough Council hereby establishes the following assigned fund balance reserves in the general fund:

(1) Assignment to Subsequent Year's Budget. The subsequent year's budgetary fund balance reserve is assigned by Borough management as set forth in the annual budget (and any amendments thereto) to appropriate a portion of existing unassigned fund balance to eliminate a projected deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues.

B. It will be the responsibility of the Borough Finance Director to report the current assigned fund balances in the Borough's annual audited financial statement and the six-month compiled financial statements.

(Ord. 1061, 11/15/2011)

§1-1106. Budgeting.

1. Appropriation of Unrestricted Fund Balance. The actual amount of unrestricted fund balance (total of committed fund balance, assigned fund balance and unassigned fund balance) is not known until the completion of the annual audit, which takes place four months after the end of the fiscal year being audited. However, an estimate of unrestricted fund balance must be made during the annual budget adoption process (October through December), which is prior to the end of the fiscal year, December 31.

2. Estimated Beginning Fund Balance. In order to achieve the most accurate estimate possible, the Borough Manager or designee shall project both sources of funds (revenues, prior years' unrestricted fund balances carried forward and other financing sources) and uses of funds (operating and nonoperating expenditures) , including accruals, for each department in each governmental fund through December 31 of the then-current fiscal year. These projections will be shown in a separate column for each fund in the proposed and final budgct documents. The difference between the estimated actual sources of funds and estimated actual uses of funds is the calculated estimated beginning fund balance for the subsequent

fiscal year. If planned for use in the subsequent fiscal year, committed and assigned fund balance may be included in the estimated beginning fund balance.

3. Estimated Ending Fund Balance.

   A. For the year being budgeted, a calculation of estimated ending fund balance shall also be made. This calculation shall be the difference between the budgeted sources of funds and the budgeted uses of funds as described above.

   B. Since the uses of funds are restricted, committed or assigned in all other governmental fund types, there is no policy to the amount of ending fund balance unless the project is completed and the fund should be closed. In this situation, a residual equity transfer will be made to zero-out any remaining fund balance.

   C. If, after the annual audit, the actual general fund unassigned fund balance is greater than 20% of budgeted operating expenditures in the general fund, the excess may be used in one or a combination of the following ways:

      (1) Left in the general fund to earn interest and roll forward into the subsequent year's beginning fund balance;

      (2) Appropriated by ordinance of the Borough Council for a one-time expenditure or opportunity that does not increase recurring operating costs;

      (3) Committed to increase a formal stabilization arrangement or reserve (including but not limited to economic stabilization, contingency reserves or disaster reserves); or

      (4) Appropriated for startup expenditures of new programs undertaken at mid-year, provided that such action is considered in the context of Council-approved multi-year projections of revenues and expenditures.

(Ord. 1061, 11/15/2011)

§1-1107. Spending Order of Operating Revenues and Fund Balances.

1. The Borough will first use federal, then state, and lastly Borough revenues to meet its financial obligations. The Borough uses restricted amounts to he spent first when both restricted and unrestricted fund balance is available, unless there are legal documents/contracts that prohibit doing this, such as in grant agreements requiring dollar-for-dollar spending.

2. Additionally, the Borough would first use committed fund balance, followed by assigned fund balance and then unassigned fund balance, when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

(Ord. 1061, 11/15/2011)

§1-1108. Annual Review and Determination of Fund Balance Policy.

Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process; and the amounts of restricted, committed, assigned, nonspendable and the minimum level of unassigned fund balance shall be determined during this process.

(Ord. 1061, 11/15/2011)

§1-1109. Additional Information, Requirements and Responsibilities.

It will be the responsibility of the Borough Finance Director to keep this policy current.

(Ord. 1061, 11/15/2011)

1 Attachment 1

Borough of Ambler

PUBLIC RECORD REVIEW/DUPLICATION REQUEST

Please print legibly. Date of Request _____

Requester's Name: _____

Address: _____

Requester's Telephone No: _____

I request __ review __ duplication (check applicable line) of the following records. Important: You must identify or describe the records with sufficient specificity to enable the Borough to determine which records are being requested. Use additional sheets if necessary.

_____

_____

_____

_____

_____

I certify that I am a resident of the Commonwealth of Pennsylvania.

_____
Signature of Requester

This request may be submitted in person, by mail or by facsimile to:

Borough Manager
Ambler Borough
122 E. Butler Ave., Ambler, PA 19002
Fax 215-641-1355

1 Attachment 2

Borough of Ambler

PUBLIC RECORD REVIEW/DUPLICATION REQUEST

To be completed by: _____
(Name of Borough employee(s) designated by Borough Manager)

Request No.: _____

Date Received:_____

Action Taken:

Approved	Date of approval: _____
Denied	Date notice mailed: _____
Additional Review	Date notice mailed: _____

1 Attachment 3

Borough of Ambler

DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE

Date of Denial: _____

Requester's Name: _____

Requester's Address: _____

_____

_____

Re: Denial of Request to Review and/or Duplicate _____

Request No.: _____

Date of Request: _____

Dear Mr./Mrs./Ms. _____ :

Please be advised that your request to review/duplicate [strike out inapplicable request] the following records:

_____

_____

_____

has been denied for the following reason(s)

_____

_____

This denial is based upon the following legal authority:

_____

_____

You have the right to appeal this decision. If you appeal, you must either:

1. Within 15 days of the notice of denial or deemed denial file exceptions with the Borough in accordance with the provisions of Res. 2003-10.

   If you file exception, the Borough has 30 days in which to respond to your exceptions, unless extended by the parties. The Borough may decide to conduct a hearing within that time to assist in the making of the decision.

   or

2. Within 30 days of the notice of denial, or within 30 days of the Borough's final decision (in the event that you filed exceptions), file a petition for review in the Montgomery County Court of Common Pleas or bring an action in the local district justice office.

CHAPTER 2

ANIMALS

PART 1

KEEPING OF ANIMALS

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§2-102. Certain Animals Prohibited
§2-103. Permit Required for Keeping of Wild Animals
§2-104. Issuance, Duration and Revocation of Permit; Fee
§2-105. Keeping of Animals Regulated
§2-106. Household Pets
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DOGS AND CATS RUNNING AT LARGE OR CREATING DISTURBANCE

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§2-301. License Required
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§2-304. Issuance of License; Fee
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PART 1

KEEPING OF ANIMALS

§2-101. Definitions.

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

   ANIMAL — any domestic animal or fowl, any wild animal or any household pet.

   DOMESTIC ANIMAL — any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

   HOUSEHOLD PET — any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

   LARGE ANIMAL — any wild or domestic animal of the bovine, equine or sheep family or of similar size.

   PERSON — any person, firm, partnership, association or corporation.

   SMALL ANIMAL — any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla.

   WILD ANIMAL — any animal, bird, fowl or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes or not normally or ordinarily kept as a household pet.

2. In this Part the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.

(Ord. 555, 3/10/1969; as revised by Ord. 785, 11/21/1983; and by Ord. 948, 10/16/2000, §1)

§2-102. Certain Animals Prohibited.

1. It shall be unlawful for any person to keep pigs, hogs, swine, bees, snakes greater than two feet, nor shall any person keep any arachnid or crustacean that is poisonous.

2. Any animal which has become prohibited by this Part but which was previously allowable is excepted from the provisions herein, except that there shall be no

breeding or replacement of any such animal and all animals remain subject to other pertinent ordinances and laws, including those relating to public nuisance.

(Ord. 555, 3/10/1969; as revised by Ord. 785, 11/21/1983; and by Ord. 948, 10/16/2000, §2)

§2-103. Permit Required for Keeping of Wild Animals.

1. No person other than a registered veterinarian in the course of his professional duties shall be permitted to maintain, keep or possess within the Borough of Ambler any animal herein defined as a wild animal unless application for a permit shall have been made by such person to the Public Safety Committee of the Borough of Ambler and a permit shall have been issued therefor.

2. The application for such permit shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by said permit, shall be verified by an affidavit and shall set forth the following:

   A. Type, number and size of animals to be covered by the permit.

   B. Purpose of keeping such animals.

   C. Period for which permit is requested.

   D. Description of the quarters in which the animals will be kept, including plans and specifications thereof where appropriate.

   E. Circumstances, if any, under which the animals will be removed from quarters.

   F. Biographical information of applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and experience of such persons in handling the animals in question.

   G. Such additional information as the Public Safety Committee of the Borough of Ambler may require.

(Ord. 555, 3/10/1969; as revised by Ord. 785, 11/21/1983)

§2-104. Issuance, Duration and Revocation of Permit; Fee.

1. The Public Safety Committee shall review or cause to be reviewed each application for a permit under this Part and may either approve or reject such application or require modification of the same. When the Public Safety Committee has approved the application, the Borough Secretary shall issue a permit. The permit

shall be nontransferable, and shall be valid for one calendar year. The Secretary, on advice of the Public Safety Committee, shall also have the power to revoke any such permit.

2. The applicant for a permit under this Part shall, at the time of his application, pay a fee as established from time to time by Borough Council.

(Ord. 555, 3/10/1969; as revised by Ord. 785, 11/21/1983)

§2-105. Keeping of Animals Regulated.

It shall be unlawful for any person to keep any animals, except household pets, except as provided in this Section:

A. Large animals shall be confined in quarters no part of which shall be closer than 100 from the exterior limits of any dwelling or of any property line.

B. Small animals shall be kept confined in quarters no part of which shall be closer than 25 from the exterior limits of any dwelling or of any property line, except where said animals are kept in a pet shop or store.

C. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size conducive to good sanitary practices and adequate and sanitary drainage facilities shall be provided.

D. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

E. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

F. The keeper shall use every reasonable precaution to insure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or by any means.

G. Animals which are enemies by nature, or are temperamentally unsuited, shall not be quartered together or so near each other as to cause said animals fear or to be abused, tormented or annoyed.

H. The keeper shall maintain premises so as to eliminate offensive odors or excessive noise.

I. The keeper shall not permit any condition causing disturbance of peace and quiet of his neighbor.

J. Animals must be maintained in quarters so constructed as to prevent their escape. The keeper assumes full responsibility for recapturing any animal that escapes from his premises. The keeper shall make adequate provision and safeguards to protect the public from the animals.

K. Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the Borough and the rules and regulations of the Public Safety Committee in any way connected with animals including specifically anti-cruelty laws.

(Ord. 555, 3/10/1969; as revised by Ord. 785, 11/21/1983)

§2-106. Household Pets.

It shall be unlawful for any person to keep any household pet, except as provided in this Section:

A. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to ensure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.

B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §2-105 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(Ord. 555, 3/10/1969; as revised by Ord. 785, 11/21/1983)

§2-107. Violation of State Law.

Any violation of this Part that would also violate any State law shall be prosecuted under that State law and not under this Part.

(Ord. 555, 3/10/1969; as revised by Ord. 785, 11/21/1983)

§2-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30

days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 555, 3/10/1969; as revised by Ord. 785, 11/21/1983; and by A.O.

PART 2

DOGS AND CATS RUNNING AT LARGE

§2-201. Dogs and Cats Not to be Permitted to Run at Large.

1. It shall be unlawful for the owner, custodian or keeper of any dog or cat to allow such dog or cat to be outside the premises of such person unless the animal is in the control of such person by means of a leash. For purposes of this Section, a leash shall be defined as a physical tether, such as is made of leather, rope or chain, and shall not include any manner of electronic dog training or dog walking device, although such device may be used in addition to a conventional leash.

2. The owner, custodian or keeper of any dog, in the event such dog defecates on any property other than that of the owner, custodian or keeper, shall immediately remove and dispose of all feces, so deposited in a sanitary manner.

(Ord. 445, 7/13/1959, §1; as amended by Ord. 785, 11/21/1983; by Ord. 811, 10/21/1985, §1; by Ord. 948, 10/16/2000, §4; and by Ord. 1027, 10/21/2008)

§2-202. Seizure and Impounding of Dogs and Cats Running at Large.

It shall be the duty of any police officer of the Borough of Ambler who witnesses any dog or cat running at large in conflict with the provisions of §2-201 or who receives information of any dog or cat so running at large, to seize such dog or cat and to convey it to the place designated by the Borough Council as a pound. Notice of such seizure shall be sent to the owner of such dog or cat in the manner prescribed by law and such dog or cat may be redeemed by the owner thereof within the time specified by law, upon payment of the charges incurred by reason of such detention. Rates for such charges shall be determined from time to time by the Borough.

(Ord. 445, 7/13/1959, §2; as amended by Ord. 785, 11/21/1983; and by Ord. 948, 10/16/2001, §4)

§2-203. Dogs Not to be Permitted to Continually Bark.

It shall be unlawful for the owner, custodian or keeper of any dog to allow such dog to continually bark in such a manner as the dog shall disturb the peace and quiet of the neighborhood.

(Ord. 445, 7/13/1959, §3; as amended by Ord. 593, 7/10/1972, §1)

§2-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 445, 7/13/1959, §4; as amended by Ord. 593, 7/10/1972, §1; by Ord. 785, 11/21/1983; and by Ord. 991, 8/15/2005)

PART 3

USE OF HORSES AND SIMILAR ANIMALS FOR RECREATIONAL PURPOSES

§2-301. License Required.

No person may, at any time, have upon the streets, roads, alleyways or upon property within the Borough of Ambler, to which the public is invited, any horse, pony, donkey or similar animal, to be ridden or to pull any cart or similar vehicles for recreation purposes, either for hire or gratuitous, without such person having procured a license therefor from the Borough Secretary.

(Ord. 611, 11/12/1973, §1)

§2-302. Application.

Any person desiring to procure a license for the use of said animals within the Borough of Ambler shall apply therefor, in writing, to the Borough Secretary, at least 10 days prior to the intended use of said animals. Such application shall set forth the name of the applicant, the address at which the person conducts his business, the hours during which such animals are to be used and the general description of the animals and the cart or other vehicle to be used.

(Ord. 611, 11/12/1973, §2)

§2-303. Insurance Requirements.

Any person desiring to procure a license for the use of said animals or vehicles shall file his application, as provided in §2-402 hereof and a certificate of insurance evidencing public liability and property damage protection in the minimum amount of $500,000 per injury to $1,000,000 for each occurrence, and property damage coverage in the amount of $75,000 per occurrence. Said insurance shall be in such form and endorsed in such manner, as to provide protection for the users, rider of such animals or vehicles and shall be approved by the Borough Solicitor.

(Ord. 611, 11/12/1973, §3; as amended by Ord. 630, 7/7/1974,)

§2-304. Issuance of License; Fee.

Upon the filing of the application and the certificate of insurance and after the same has been approved by the Borough Solicitor, a license shall be issued by the Borough Secretary upon the payment of a daily license fee, as established, from time to time, by Borough Council, for each day or part of a day for the use of said animals and vehicles.

(Ord. 611, 11/12/1973, §4; as amended by Ord. 785, 11/21/1983)

§2-305. Inspection by Police; Revocation of License.

The Borough Police, under the direction of the Mayor, shall make inspections at reasonable times to determine that the proper license has been issued to the user or operator of said animals and any license issued under this Part shall be exhibited at any time on request of the Mayor or any Police Officer of the Borough. The Mayor may revoke any license hereunder granted, when he deems such revocation necessary for the benefit or protection of the public health, safety or morals.

(Ord. 611, 11/12/1973, §5)

§2-306. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 611, 11/12/1973, §6; as amended by Ord. 785, 11/21/1983; and by A.O.

CHAPTER 3

BICYCLES

PART 1

REGISTRATION AND OPERATION OF PEDALCYCLES

§3-101. Definition
§3-102. License Required
§3-103. Application for License; Inspection of Pedalcycles
§3-104. License Fee; Renewal; Transfer; License Tag
§3-105. Mutilation or Alteration of Registration or Frame Number
§3-106. Sale, Transfer or Dismantling of Registered Pedalcycles
§3-107. Rented Pedalcycles
§3-108. Regulations for Operation of Pedalcycles
§3-109. Penalties

PART 1

REGISTRATION AND OPERATION OF PEDALCYCLES

§3-101. Definition.

A pedalcycle, as used in this Part shall mean any vehicle powered solely or primarily by human powered pedals, having one or more wheels with a diameter not less than 10 inches.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983)

§3-102. License Required.

It shall be unlawful for any person or persons to operate or use a pedalcycle upon any of the streets, alleys or public thoroughfares of the Borough of Ambler without first obtaining a license therefor and having said pedalcycle properly registered and tagged.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983)

§3-103. Application for License; Inspection of Pedalcycles.

Application for a license shall be made and kept by the Chief of Police upon forms provided for that purpose, said forms to contain the name and address of the owner, together with a description of the pedalcycle, plus the number on the frame of the pedalcycle for which issued, sufficient for identification thereof. Before licensing a pedalcycle, it must appear to the Chief of Police that the applicant is the owner of said pedalcycle or that he is entitled to possession thereof and no pedalcycle shall be registered or licensed, nor shall any license be renewed as hereinafter provided, until inspected, examined and found to be in a safe mechanical condition. Inspection of pedalcycles may be done by the Chief of Police.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983)

§3-104. License Fee; Renewal; Transfer; License Tag.

The annual license fee to be paid for each pedalcycle shall be an amount fixed by resolution, from time to time, by Borough Council, special notice of which shall be published in a newspaper of general circulation in and about the Borough. Any license granted hereunder shall be effective until next June 1, when the same shall expire and must be renewed annually thereafter for the current license fee determined by the Borough Council. Licenses may be transferred without charge when the ownership of said pedalcycle is transferred. Upon application and satisfactory evidence of the loss of a tag, a new tag may be issued upon payment of the current yearly license fee. The license tag granted

shall be displayed on the pedalcycle at all times, attached to the frame in the rear directly under the seat of the pedalcycle in a manner that is plainly visible. The Chief of Police shall keep a record of:

A. The number of each registration.

B. Date issued.

C. Name and address of person to whom issued.

D. The make and number of each pedalcycle frame.

E. A record of all pedalcycles registration fees collected.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983)

§3-105. Mutilation or Alteration of Registration or Frame Number Prohibited.

It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the registration tag or frame number of any pedalcycle.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983)

§3-106. Sale, Transfer or Dismantling of Registered Pedalcycles.

1. Within 10 days after the sale, transfer or dismantling of any registered pedalcycle, such information shall be reported to the Safety Officer by the person in whose name the pedalcycle was registered. Such a person may have the identification tag or plate of his former pedalcycle transferred to another pedalcycle owned by him without payment of an additional fee upon proper registration of such pedalcycle with the Safety Officer.

2. Every person engaged in the business of buying or selling new or second hand pedalcycles shall make a report within five days to the Safety Officer of every pedalcycles purchased or sold by such dealer:

   A. The name and address of the person from whom purchased or to whom sold.

   B. A description of such pedalcycle by name or make.

   C. The frame number thereof.

   D. The number of the identification plate, if any, found thereon.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983)

§3-107. Rented Pedalcycles.

A rental agency shall not rent or offer any pedalcycle for rent unless the pedalcycle is properly registered and tagged and unless such pedalcycle is provided with the equipment required under the Pennsylvania Vehicle Code.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983)

§3-108. Regulations for Operation of Pedalcycles.

In addition to compliance with the laws of the State of Pennsylvania regarding the equipment, parking and operation of pedalcycles, it shall be unlawful for any person or persons to operate or use a pedalcycle upon the streets, alleys or public thoroughfares of the Borough in violation of any of the following regulations:

A. No pedalcycle shall be operated, unless it is in a safe mechanical condition and in good working order at all times.

B. It shall be unlawful for anyone to tow, or draw any coaster, sled, person on roller skates, toy vehicles or any other similar vehicle when operating such pedalcycle on any street, alley or public thoroughfare in the Borough; and further, it shall be unlawful for the operator of any pedalcycle to be towed on his or her pedalcycle by any other vehicle.

C. No rider of a pedalcycle shall remove both hands from the handlebars, nor feet from the pedals, nor practice any acrobatic stunts or fancy riding on any street, alley or public thoroughfare in the Borough.

D. No pedalcycle or motor-powered bicycle or mini-bike or any other such vehicle shall be ridden or operated at any time upon any public grounds owned by the Borough or upon private property without the permission of the property owner.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983)

§3-109. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $10.

(Ord. 629, 7/8/1974; as revised by Ord. 785, 11/21/1983; as amended by A.O.

CHAPTER 4

BUILDINGS

PART 1

NUMBERING OF BUILDINGS

§4-101. System of Numbering Buildings Established
§4-102. Owners of Buildings to Affix Correct Numbers

PART 1

NUMBERING OF BUILDINGS

§4-101. System of Numbering Buildings Established.

1. Butler Avenue, in the Borough of Ambler, shall constitute the division line for streets extending in a general northwesterly or northerly and southeasterly or southerly direction; that portion of such streets located north of Butler Avenue shall be designated "north" and that portion south of Butler Avenue shall be designated "south."

2. Main Street shall constitute the division line for streets extending in a general northeasterly or easterly and southwesterly or westerly direction; that portion of such streets located east of Main Street shall be designated "east" and that portion west of Main Street shall be designated "west."

3. All dwelling houses, stores and other buildings fronting on any of the public streets in the Borough of Ambler shall be numbered as follows:

   A. All such buildings as aforesaid, on public streets extending in the same general direction as Main Street shall be designated on the easterly side thereof by odd numerals, 1, 3, 5, etc., and the westerly side thereof by even numerals, 2, 4, 6, etc., commencing at Butler Avenue, 100 being added to the actual number of each such building north of the following streets: Forrest Avenue, Tennis Avenue and Mount Pleasant Avenue, and unto the actual number of buildings south of the following streets east of the North Pennsylvania Railway Company: Poplar Street, Orange Avenue and Bannockburn Avenue and west of the North Pennsylvania Railway Company, Wissahickon Avenue and Center Street so that all such buildings shall be numbered northwardly between Butler Avenue and Forrest Avenue by the numbers between one and 100, between Forrest Avenue and Tennis Avenue by the numbers between 100 and 200, between Tennis Avenue and Mount Pleasant Avenue by the numbers 200 and 300 and northwardly from Mount Pleasant Avenue by the numbers commencing 300 and all buildings east of the North Pennsylvania Railway Company shall be numbered southwardly between Butler Avenue and Poplar Street by the numbers between one and 100, between Poplar Street and Bannockburn Avenue by the numbers between 100 and 200, between Bannockburn Avenue and the Borough line by numbers between 200 and 300, and buildings west of the North Pennsylvania Railway Company shall be numbered southwardly between Butler Avenue and Wissahickon Avenue by the numbers between one and 100, between Wissahickon Avenue and Center Street by the numbers between 100 and 200 and southwardly from Center Street by the numbers commencing 200.

   B. All such buildings as aforesaid fronting on public streets extending in the same general direction as Butler Avenue shall be numbered on the northerly side thereof by odd numerals 1, 3, 5, etc., and on the southerly side

thereof by even numerals, 2, 4, 6, etc., commencing at Main Street, 100 being added to the actual number of each such building east of the following streets: Ridge Avenue, Lindenwold Avenue and Hendricks Street, and to the actual number of each such building west of the following streets: Maple Avenue and Locust Street, so that all such buildings shall be numbered eastwardly between Main Street and Ridge Avenue by the numbers between one and 100, between Ridge Avenue and Lindenwold Avenue by the numbers between 100 and 200, between Lindenwold Avenue and Hendricks Street by the numbers between 200 and 300 and eastwardly from Hendricks Street by the numbers commencing 300.

C. The numberings of buildings fronting on Butler Avenue shall be followed in the numbering of buildings fronting on Woodland Avenue, Lindenwold Avenue, Mattison Avenue, Rosemary Avenue, Trinity Avenue, Highland Avenue, Southern Avenue, Bannockburn Avenue, Poplar Street, Greenwood Avenue and Orange Avenue. Buildings west of Park Avenue shall be numbered by numerals between one and 300 and buildings east of Park Avenue by numerals commencing with 300.

D. In the numbering of buildings fronting on Main Street shall be followed in the numbering of buildings fronting on Park Avenue, Nichols Street and North Street. Buildings fronting on such streets north of Lindenwold Avenue shall be numbered by numerals between one and 100, between Lindenwold Avenue and Rosemary Avenue by numerals between 100 and 200, between Rosemary Avenue and Southern Avenue by numerals between 200 and 300, and southwardly from Southern Avenue by numerals commencing with 300.

(Ord. 214, 6/3/1929, §1)

§4-102. Owners of Buildings to Affix Correct Numbers.

It shall be the duty of the owner of every home, store, business or any other building required to be numbered as aforesaid, to number the building using a number designated by the Borough if one is not already assigned to the building, and at the owner's own expense, by affixing said number in a position on the building which renders it easily observable from the public right-of-way that the building fronts. All numbers shall be in Arabic numerals and have a minimum size of three inches in height with a half-inch stroke. Such requirements are in accord with §302.2 of the BOCA National Property Maintenance Code. In the event of any modification of this provision of the BOCA Code, the BOCA modification shall be controlling over any inconsistency created with the language herein. Any failure to comply with these requirements shall be penalized in accordance with Chapter 5, Code Enforcement, Part 5, BOCA National Property Maintenance Code, §5-602(B), Amendments Made in Property Maintenance Code.

(Ord. 214, 6/3/1929, §2; as amended by Ord. 396, 3/11/1957, §1; by Ord. 785, 11/21/1983; and by Ord. 962, 5/20/2002, §§1,2)

CHAPTER 5

CODE ENFORCEMENT

PART 1

CODE ENFORCEMENT OFFICE

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§5-106. Conditions of Permit
§5-107. Notice and Order Procedure
§5-108. Emergency Measures
§5-109. Condemnation Order
§5-110. Placarding
§5-111. Repair/Demolition Order
§5-112. Stop Work Order
§5-113. Violations and Penalties
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§5-202. Amendments Made in Building Code
§5-203. State Law and Regulations
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B. Fallout Shelters

§5-211. Construction of Family Fallout Shelters

PART 3

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§5-403. Prohibition Without Permit
§5-404. Inspection of Work Under Permit
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§5-422. Creation of Electrical Examining Board
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PART 1

CODE ENFORCEMENT OFFICE

§5-101. Title.

This Part shall be known and may be cited as the "Code Enforcement Ordinance of the Borough of Ambler."

(Ord. 872, 10/21/1991, §1)

§5-102. Establishment of Office of Code Enforcement.

1. Creation of Office of Code Enforcement. There is hereby created by the Borough Council an office of the Borough of Ambler to be known as the "Office of Code Enforcement." The official(s) appointed thereto by the Borough Council shall have the responsibility for administration and enforcement of the provision of this Part and other codes and/or ordinances of the Borough of Ambler herein referred to as the "applicable codes and ordinances," which designate said Office of Code Enforcement as their official administrative and enforcement authority or which designate no other enforcement officer or the Borough Council or which are not enforced by the Police Department of the Borough or which by their very nature would be enforced by the Police Department. Such persons appointed as being in charge thereof shall be known as the Borough's "Code Enforcement Officer."

2. Relief from Personal Liability. The Code Enforcement Officer, other officials or employees charged with the enforcement of this Part and those codes and/or ordinances of the Borough of Ambler who act in good faith and without malice in the discharge of their duties shall not thereby be rendered liable personally and the Code Enforcement Officer is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act, required or permitted, or any omission in the discharge of official duties. Any suit instituted against the Code Enforcement Officer, other official or employee because of an act performed by that person in the lawful discharge of duties shall be defended by the Borough Solicitor or his designee until final termination of the proceedings. The Code Enforcement Officer shall not be liable for costs in any action, suit or proceedings.

3. Office Records. An official record shall be kept of all business and activities of the Office of Code Enforcement and all such records shall be open to the public for inspection at all appropriate time, except that no individual, owner, operator, occupant or other person shall be subject to unwarranted invasion of privacy and except that all evidence or information shall not be disclosed except as may be necessary in the judgment of the Code Enforcement Officer for the proper and effective administration and enforcement of the provisions of this Part and shall otherwise be made public without the consent of the owner, occupant, operator or

other person in charge of the unit, structure or premises inspected. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.

4. Annual Report. At least annually, the Code Enforcement Officer shall submit to the Borough Council a written statement of operations in the form and content as shall be prescribed thereby.

(Ord. 872, 10/21/1991, §2)

§5-103. Enforcement Authority.

1. Appointment of Code Enforcement Officer. There shall be appointed, by the Borough Council of the Borough of Ambler, a Code Enforcement Officer, who shall be in charge of the Office of Code Enforcement of the Borough of Ambler. The Code Enforcement Officer shall supervise such other employees or assistants as shall be necessary for the administration and execution of the responsibilities of said office, as appointed and approved by the Borough Council. Said Code Enforcement Officer and other personnel shall consist of employees directly hired and compensated by the Borough of Ambler whether on a full or part-time basis, as an employee or provider of contracted services and whether under this Part or any other relevant ordinance of the Borough of Ambler.

2. Approved Inspection Agencies. The Code Enforcement Officer shall make all the required inspections or may accept reports or inspections by authoritative and recognized inspection agencies or individuals, which satisfy requirements as to qualifications and reliability. All inspection reports shall be in writing and shall be certified by the approved authority or responsible officer of the agency or the individual when expert inspection services are accepted. The Code Enforcement Officer may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise subject to the approval of the Borough Council. When required by the provisions of the code or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication.

(Ord. 872, 10/21/1991, §3)

§5-104. Duties and Powers of Code Enforcement Officer.

1. Enforcement of Codes. The Code Enforcement Officer shall enforce and administer all of the provisions of this Part and of those other applicable codes and ordinances which establish the Office of Code Enforcement as their official administration and enforcement authority, including the Zoning Ordinance [Chapter 27] of the Borough of Ambler.

2. Duties. The duties of the Code Enforcement Officer shall include the receipt of applications and issuance of permits for the erection, addition to, alteration, repair, removal, demolition, installation of service equipment (plumbing, electrical, mechanical) and structures, the issuance of all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this Part and those other applicable codes and/or ordinances for the safety, health and general welfare of the public, the making of inspections to determine compliance with the applicable codes and ordinances, the undertaking of investigations and other activities as may be required.

3. Credentials. The Code Enforcement Officer or his authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under the applicable codes and/or ordinances where requested.

4. Coordination of Enforcement. Whenever, in the opinion of the Code Enforcement Officer, initiating an inspection under the applicable codes and/or ordinances, it is deemed necessary or desirable to have inspections by any other department, the Code Enforcement Officer shall make reasonable effort to arrange for the coordination of such inspection so as to minimize the number of visits by representatives of the Borough of Ambler and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. The assistance and cooperation of all other officials, including police and fire departments, shall be available to the Code Enforcement Officer to assist in the performance of his duties.

5. Right of Entry. Except in case of an emergency or a mutually convenient time agreed to by the Code Enforcement Officer or his authorized representative in discharging his duties to safeguard the safety, health and welfare of the public and upon showing proper identification where requested, the Code Enforcement Officer is hereby authorized to enter and inspect between the hours of 7:00 a.m. and 7:00 p.m. any structure or premises in the Borough of Ambler to enforce the provisions of this Part and of those other applicable codes and ordinances. Every occupant, owner or operator of a structure or premises or their agent or employee, shall give access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Part.

6. Access Entry Refused. If any owner, operator, occupant or other person in charge of a structure refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to the structure or premises under his control or to any part thereof, with respect to any authorized inspection, the Code Enforcement Officer, may upon showing that probable cause exists for the inspection, file a complaint and may petition for and obtain an order directing compliance with the inspection requirements of this Part from a court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this subsection shall be subject to such penalties as may be authorized by law for violation of a court order.

7. Rule Making Authority. The Code Enforcement Officer shall have such power as may be necessary in the interest of public safety, health and general welfare to interpret the intent of the applicable codes in specific cases where it clearly appears that by reason of special conditions, undue hardship would result from a literal application of any Section of the applicable codes. Where such undue hardship clearly appears, the Code Enforcement Officer may permit a variance from the literal provision of the code, but such variance shall not have the effect of waiving working stresses or fire protection requirements specifically provided in the code or violating accepted engineering practice involving public safety, but will comply with the spirit and intent of the code. If additional nonconforming conditions are encountered during the course of any approved alteration or repair which were not considered or known initially, the Code Enforcement Officer shall have the authority to require compliance with this Part and other codes and/or ordinances of the Borough of Ambler. Under the same guidelines he may form his own opinion in the absence of any standards in the mentioned codes adopted by the Borough of Ambler.

8. Preliminary Inspections. Before issuing a permit, the Code Enforcement Officer may examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof.

9. Required Inspections. After issuing a permit, the Code Enforcement Officer or designated inspection agency shall conduct such required inspections, from time to time, during and upon completion of the work for which a permit has been issued. A record of all such examinations and inspections and of all violations of this Part shall be maintained by the Code Enforcement Officer. Upon completion of the building or structure and before the issuance of a certificate of use and occupancy, a final inspection shall be made and all violations of the approved plans and permits shall be abated. No new building or portion of an existing building which is enlarged or altered shall be used or occupied in whole or in part, until such certificate of use and occupancy shall have been issued by the Code Enforcement Officer. Required inspections shall be as follows:

   A. Building.

      (1) Footing and Setback. To be made after trenches or basement areas are excavated and forms erected and any required reinforcing steel is in place and prior to placing concrete.

      (2) Foundation Walls. To be made after parging and tamp proofing is in place and prior to back-filling.

      (3) Framing. To be made after the roof, all framing, fire stopping and bracing are in place and prior to interior covering.

      (4) Final. Prior to occupancy and certification.

B. Electrical.

(1) Service. Prior to power company connection.

(2) Rough Wire. Prior to covering.

(3) Final. Prior to occupancy.

The above inspections are to be made by listed electrical inspection agencies as approved by the Borough of Ambler under this Part.

C. Plumbing.

(1) Under Slab. Prior to pouring concrete.

(2) Rough In. Prior to covering.

(3) Final. Prior to occupancy.

D. Other Inspections. At such times as are reasonably necessary.

10. Accounting. The Code Enforcement Officer shall keep an accurate account of all fees collected and such collected fees shall be deposited in the Borough of Ambler treasury or otherwise disposed of as required by law.

(Ord. 872, 10/21/1991, §4)

§5-105. Application for Permits.

1. When Permit is Required.

A. Construction Permit. This type of permit shall be issued for all new construction on vacant land or land where a building was demolished in preparation for construction or where construction adds to the livable areas of a residence or additional floor area of a commercial building. Fees shall be fixed, from time to time, pursuant to a resolution of the Borough Council.

B. Alteration Permit. This type of permit shall be issued when, in the opinion of the Code Enforcement Officer, the work involved does not increase the livable area of the residence or the floor area of a commercial building and is not considered to be normal maintenance or repairs. Any change in size, shape, height, type of materials, etc., necessitates an alteration permit. The application of any type of siding (brick, block, coating or facing of any type, shingles, aluminum or composition siding, etc.) requires a permit. Fees shall be fixed, from time to time, by the Borough Council pursuant to a resolution.

C. Garage Permit. This type of permit shall be issued for the construction of a one or two car private garage when either detached from the dwelling or connected by a breezeway. The fee shall be fixed, from time to time, by the Borough Council pursuant to a resolution.

D. Demolition Permits. This type of permit shall be issued for the wrecking of a building. The fee shall be fixed, from time to time, by the Borough Council pursuant to a resolution. No fee shall be charged when removal of the building has been ordered by the Code Enforcement Officer.

E. Driveway Permit. This type of permit shall be required whenever any owner or tenant of any property in the Borough seeks to create a new driveway and/or parking area on a portion of a parcel that was previously pervious, or where there is an addition to an existing driveway or parking area and such addition would be into an area that was previously pervious. (e.g.; paving an area that was previously a lawn or garden area.) The fee for such permit shall be as set from time to time by resolution of Borough Council. Such permit is required only when driveway construction or expansion is a project of a stand-alone nature. When a permit has already been obtained for construction or alteration, and such driveway work is a part of a larger project that includes construction or alteration of a structure or building, it is not necessary to obtain a separate driveway permit.

2. The term "established cost" as used in this Section means the reasonable value of all services, labor, materials, equipment, scaffolding erection and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy, including any and all excavation necessary for cellar or basement or private sewerage disposal system. If, in the opinion of the Code Enforcement Officer, the estimated cost of the work is insufficient, the Code Enforcement Officer shall estimate a fair value and the applicant shall be required to pay the permit fee on this amount.

3. Where work, for which a permit is required by the code, is started or proceeded with prior to obtaining said permit, the fee shall be doubled, but payment of such double fee shall not relieve any person from fully complying with the requirements of the code in the execution of the work nor from any penalties prescribed by the code.

4. Forms of Application. The application for a permit shall be submitted in such form as the Code Enforcement Officer may prescribe and shall be accompanied by the required fee pursuant to the fee schedule.

5. By Whom Application Is Made. The responsibility for applying for and obtaining a required permit rests jointly with the owner or occupant and the person or persons doing the work. The full name and address of the owner, lessee, applicant and/or the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

6. Description of Work. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure and such additional information as may be required by the Code Enforcement Officer.

7. Plans and Specifications. The application for the permit shall be accompanied by one copy of specifications and of plans, drawn to scale, with sufficient clarity and detailed dimension to show the nature and character of the work performed. When quality of materials is essential for conformity to the codes, specific information shall be given to establish such quality and the code shall not be cited or the term "legal" or its equivalent be used as a substitute for specific information. The Code Enforcement Officer may waive the requirement for filing plans when the work involved is of a minor nature. If in the course of work, it is found necessary to make any changes from the approved plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and, if approved, a supplementary permit shall be issued to cover the change after the same conditions required to secure the original permit have been satisfied.

8. Site Plan. There shall also be a site plan showing, to scale, the size and location of all the new construction and all existing structures and the site distances from lot lines, the established street grades and the proposed finished grades and it shall be drawn in accordance with an accurate boundary line survey. In case of demolition, the lot plan shall show all construction to be demolished and the locations and size of all existing structures and the plan shall show the location of water service and sewer connections with respect to any building in which a plumbing system is to be installed. Vent stack terminations shall be shown with respect to building ventilation openings which could allow introduction of sewer gases into the building or any adjacent building.

9. Engineering Details. The Code Enforcement Officer may require adequate details of structural, mechanical, plumbing and electrical work to be filed, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design. Plans for building more than two stories in height shall indicate where penetrations will be made for electrical, mechanical, plumbing and communications conduits, pipes and systems and the materials and methods for maintaining the required structural integrity, fire resistance rating and firestopping.

10. Other Permits Required. At the time of filing an application for a permit, the applicant shall present to the Code Enforcement Officer, evidence that he has obtained all necessary permits, licenses, approvals and/or variances as may be required by the laws of the Borough of Ambler and the Commonwealth of Pennsylvania. Individuals, agencies, boards and commissions issuing aforesaid permits, licenses, approvals and/or variances shall include, but are not limited to, the Zoning Officer or Zoning Hearing Board, County Planning Commission, Sewage Enforcement Officer, Fire Chief, State Police Fire Marshal, Pennsylvania Depart-

ment of Labor and Industry and the Pennsylvania Department of Community and Economic Development.

11. Action on Application. The Code Enforcement Officer shall examine said application to determine compliance with those other applicable codes and ordinances of the Borough of Ambler and shall, within 30 days after filing, either approve or reject said application. If said application is rejected, the Code Enforcement Officer shall inform the applicant, in writing, stating the reasons for such rejection. If the Code Enforcement Officer is satisfied that the proposed work conforms to the requirements of the applicable codes, the Code Enforcement Officer shall issue a permit therefor as soon as possible.

(Ord. 872, 10/21/1991, §5; as amended by A.O.; and by Ord. 993, 8/15/2005)

§5-106. Conditions of Permit.

1. Compliance With Codes. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside the application. All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.

2. Signature on Permit. The Code Enforcement Officer's signature shall be attached to every permit or the Code Enforcement Officer may authorize a subordinate to affix such signature thereto.

3. Payment of Fees. A permit to begin work shall not be issued until the permit fee prescribed by resolution adopted by the Borough Council has been paid. Nor shall an amendment to a permit necessitating an additional fee because of additional work involved be issued until the additional fee shall have been paid.

4. Previous Approvals. This Part or the applicable codes shall not require changes in the plan, the plumbing, electrical or mechanical system or the construction or designated use of a building for which a lawful permit has been issued or otherwise lawfully authorized and the construction of which has been actively prosecuted within 90 days after the effective date of this Part and is completed with dispatch.

5. Permit Expiration Dates.

   A. New Construction. One year; provided, that an extension may be requested, in writing, and such extension may be granted by the Code Enforcement Officer for good reason, such extension not to exceed one year.

   B. Repairs, Remodeling, Alterations and Additions. One year.

   C. Demolition. Three months only and if such demolition work is not completed within that time, any bond posted by the applicant shall be forfeited.

D. Abate Violations Cited. Same as deadline stated in violation notice.

6. Revocation of Permits. The Code Enforcement Officer may revoke a permit or approval issued under the provisions of the codes in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

7. Posting of Permit. A true copy of the building permit and placard shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of the same.

8. Notice of Inspection. At least 24 hours notice in advance for required inspections indicated on the permit shall be given to the Code Enforcement Officer or certified inspection agency.

(Ord. 872, 10/21/1991, §6)

§5-107. Notice and Order Procedure.

1. Notice to Responsible Owner, Operator, Occupant or Other Person in Charge. Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part or of the other applicable codes and ordinances, or whenever the Code Enforcement Officer orders a dangerous, unsafe or unfit for human habitation structure to be closed-up and secured, vacated, repaired and/or demolished, a notice shall be given to the responsible owner, operator, occupant or person in charge of the structure or premises in the manner prescribed below.

2. Form. Notice to the responsible owner, operator, occupant or person in charge shall include the following:

A. Be in writing, signed by the Code Enforcement Officer or his authorized representative.

B. Include a description of the real estate sufficient for identification.

C. Include a statement of the reasons why the notice is being issued, the Sections of the code and/or ordinances which have been violated.

D. Include a correction order allowing a reasonable time not to exceed 120 days, for the initiation and correction of the violation alleged or of the remedial actions required except where emergency conditions exist which require immediate corrective action.

E. Include a statement indicating that the notice will become an order if no request and approval for an extension of time is made to the Code Enforcement Officer or if no petition for an appeal or hearing is requested by the

owner to seek modification before the Code Hearing Board within 10 days from receipt of said notice.

3. Service. The notice shall be served personally on the responsible owner, occupant, operator or other person in charge or served by certified mail with a return receipt requested or where such responsible person in charge cannot be found, service may be made by posting a notice on or about the structure or premises and taking a picture of said notice, or by publishing said notice in a newspaper of general circulation for a period of three consecutive days or served by any other method for a period of three consecutive days or served by any other method authorized under the laws of the Commonwealth of Pennsylvania.

(Ord. 872, 10/21/1991, §8)

§5-108. Emergency Measures.

1. Vacation of Structures. When in the opinion of the Code Enforcement Officer, an emergency exists on any premises or in any structure or part thereof, or in any defective equipment (plumbing, electrical, mechanical) which requires immediate action to protect the public's health and safety or that of the occupants thereof, or if there is actual and immediate danger of failure or collapse of a building or structure or any part thereof or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the Code Enforcement Officer may, with proper notice and service, issue an order reciting the existence of such an emergency and requiring the vacating of the premises of such action taken as the Code Enforcement Officer deems necessary to meet such emergency. Notwithstanding other provisions of this Part, such order shall be effective immediately and the premises or equipment involved shall be placarded immediately upon service of the order. Any person to whom such order is directed shall comply immediately therewith and may thereafter upon petition directed to the Appeals Board be afforded a hearing as prescribed in this Part.

2. Temporary Safeguards. When in the opinion of the Code Enforcement Officer there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the Code Enforcement Officer shall cause the necessary work to be done to render such building or structure or part thereof, temporarily safe, whether or not the legal procedure herein described has been instituted.

3. Closing Streets. When necessary for the public safety, the Code Enforcement Officer may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structures and prohibit the same from being used. It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same.

(Ord. 872, 10/21/1992, §9)

§5-109. Condemnation Order.

1. General. All buildings or structures that are or hereafter shall become unsafe, unsanitary, unfit for human occupancy or use, or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare or is found unlawful involving illegal or improper use, occupancy and maintenance shall be condemned pursuant to the provisions of this Part and may be placarded and vacated upon approval of Borough Council; however, such prior approval shall not be necessary when the Code Enforcement Officer is acting pursuant to §5-108 of this Part or Subsection 7 hereof. It shall not be reoccupied without approval of the Code Enforcement Officer. Unsafe equipment shall be placarded and placed out of service. A vacant building or structure unguarded or open at door or window shall be deemed a fire hazard and unsafe.

2. Unsafe Structure. An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or its occupant by not providing minimum safeguards for protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that it is likely to partially or completely collapse. All unsafe structures shall be declared a public nuisance and shall be taken down and removed or made safe and secure as the Code Enforcement Officer deems necessary.

3. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

4. Structure Unfit for Human Habitation. A structure is unfit for human occupancy or use whenever the Code Enforcement Officer finds that it is unsafe, unlawful or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rate infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the codes or because its location constitutes a hazard to its occupants or to the public.

5. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Part or was erected, altered or occupied contrary to law.

6. Restoration of Unsafe Structure. A building or structure condemned by the Code Enforcement Officer may be restored to safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration, except that if the damage or cost of restoration or reconstruction is in

excess of 50% of its replacement value, exclusive of foundations, such structures shall be made to comply with the exclusive of foundations, such structures shall be made to comply with the Borough of Ambler's building, plumbing and electrical codes in all respects with the requirements for materials and methods of construction of structures.

7. Closing of Vacant Structures. If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Code Enforcement Officer may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to children. The windows and doors are to be boarded upon with 1/2 inch exterior grade plywood or a similar material acceptable to the Code Enforcement Officer, finished on one side with the finished side out.

(Ord. 872, 10/21/1991, §10)

§5-110. Placarding.

1. Vacation of Structure. If the responsible owner, operator, occupant or person in charge of the structure or premises fails to comply with an order to repair or alter a structure condemned as unfit for human habitation, within the time given, the structure shall be vacated within a reasonable time, as ordered by the Code Enforcement Officer.

2. Placarding of Structure. Upon issuance of an order to vacate, the Code Enforcement Officer may placard the structure or parts thereof or on defective equipment bearing the words "unsafe for human occupancy or use," and a statement of the penalties provided for any occupancy or use or for removing the placard.

3. Removal of Placard. The Code Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding actions were based have been eliminated. Any person who defaces or removes a condemnation placard without approval of the Code Enforcement Officer shall be subject to the penalties provided by this Part.

4. Prohibited Use. Any person who shall occupy a placarded premises or structure or part thereof or shall use placarded equipment and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be subject to the penalties provided by this Part.

(Ord. 872, 10/21/1991, §10)

§5-111. Repair/Demolition Order.

1. General. The Code Enforcement Officer shall make periodic inspections of any structure vacated as unfit for human habitation or any other vacant structures.

2. Option by Owner. If a structure is so old, deteriorated or has become so out of repair as to be unsanitary or unfit for human habitation, but can be made safe by repairs, the Code Enforcement Officer may issue a notice requiring the owner to make the necessary repairs to bring the structure into compliance with the Borough of Ambler's codes and/or ordinances or to demolish and remove the structure at the owner's option. Such notice shall require the person thus notified to immediately disclose to the Code Enforcement Officer his acceptance or rejection of the terms of the order.

3. Unreasonable Repairs. Whenever an inspection of a structure reveals that the structure is old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair, in that the cost of such repairs would exceed 100% of the current value of such structure, the structure shall be declared a public nuisance. The Code Enforcement Officer shall upon approval of Borough Council issue a notice to the responsible owner, ordering that the structure be removed or demolished without option on the part of the owner to repair. All the rubbish and refuse shall be removed from the premises and cellar/basement shall be filled in with clean fill, compacted and graded to adjacent ground level.

4. Service Connection. Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

5. Notice to Adjoining Owners. Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for removal of a building or structure.

6. Determination by Code Enforcement Officer. In the event that the owner or agent is unable to obtain the releases, the Code Enforcement Officer shall inspect the releases, the Code Enforcement Officer shall inspect the premises for which application has been made, to determine that the utility service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.

(Ord. 872, 10/21/1991, §12)

§5-112. Stop Work Order.

1. Notice to the Owner. Whenever the Code Enforcement Officer determines that work on any building or structure is being prosecuted contrary to the provisions of the applicable codes and/or ordinances in an unsafe and dangerous manner, the

responsible owner of the property involved or the owner's agent or the person doing the work shall be notified that such work be immediately stopped.

2. Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that is directed to perform to remove a violation or unsafe conditions, shall be subject to the penalties provided by this Part.

(Ord. 872, 10/21/1991, §13)

§5-113. Violations and Penalties.

1. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish, use or occupy any building or structure or plumbing, electrical, mechanical equipment and fire suppression system regulated by this Part and/or the applicable codes and ordinances or cause same to be done, in conflict with or in violation of any of the provisions of this Part and/or the applicable codes and ordinances.

2. Occupancy Without Use and Occupancy Certificate. Any new building hereafter erected for which a building permit was issued shall not be used or occupied in whole or part until a certificate of use and occupancy shall have been issued by the Code Enforcement Officer. Notice of this requirement shall be given to each recipient of a building permit and failure to secure a use and occupancy certificate before use or occupancy of a building is subject to immediate fine and costs as prescribed in this Part. No further notification as required under this Part shall be required. The building owner by signing the building permit agrees not to violate any provision of the Borough of Ambler codes or laws of the Commonwealth of Pennsylvania and/or ordinances and is so notified. The use and occupancy certificate is a "license" to occupy and use the building and as such is personal to the tenant or occupier who obtains the same and is not transferable, all as provided by Borough of Ambler ordinances.

3. Failure to Comply. Whenever an order to vacate, secure, repair and/or demolish a structure which is a public nuisance because it is unsafe, dangerous or unfit for human habitation has not been complied with, the Code Enforcement Officer may, in accordance with the laws of the Commonwealth of Pennsylvania and with the approval of Borough Council first having been obtained, proceed to cause the structure to be vacated, close-up and secured, repaired and/or demolished or take such other action as is necessary to abate the nuisance. Abatement under this subsection shall not commence until at least 10 days after the service of the order, except that the Code Enforcement Officer may determine that more immediate action is required because of the special emergency or dangerous conditions which exist. Borough Council may first seek redress from a court of competent jurisdiction if no emergency exists.

4. Recovery of Expenses. The expenses incurred pursuant to Subsection 3 of this Section and other applicable Sections of this Part and other codes and ordinances shall be paid by the responsible owner, operator or occupant or by the persons who caused or maintained such public nuisance. The Code Enforcement Officer shall file in his records an affidavit, stating with fairness and accuracy, the items and date of the expenses incurred. The Borough Council may institute a suit to recover such expenses to be charged against the property as a lien or against the person or legal entity violating the code as a judgment.

5. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order upon whom notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer a signed and notarized statement to the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the correction or repairs required by such compliance order or notice of violation.

6. Penalties. Any person, firm or corporation who shall violate any provisions of this Part or fails to correct a violation or institute a remedial action as ordered by the Code Enforcement Officer, or who shall erect, construct, install, alter or repair a building, structure or any plumbing, electrical and mechanical equipment or systems in violation of an approved plan or directive of the Code Enforcement Officer or of a permit or certificate issued under the provisions of the Borough of Ambler codes shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

7. Prosecution. The imposition of the penalties herein prescribed shall not preclude the Solicitor representing the Borough of Ambler from initiating, and he is hereby ordered to initiate, appropriate actions or proceedings at law or equity for the purpose of ordering that person:

   A. To restrain, correct or remove the violation or refrain from any further execution of work.

   B. To restrain or correct the erection, installation or alteration of such structure.

   C. To require the removal of work in violation.

   D. To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with,

the provisions of this Part or in violation of a plan or specification under which an approval, permit or certificate was issued.

(Ord. 872, 10/21/1991, §14)

§5-114. Board of Appeals.

1. Board Established. There is hereby established a Board of Appeals to hear and rule on appeals from determinations of the Borough Code Enforcement Officer, variances from such decisions, or extensions of time for compliance. It is intended that this Board satisfy the requirements of 35 P.S. §7210.501(c), relating to the creation of a board of appeals in municipalities administering the Uniform Construction Code. The Board shall consist of three members.

2. Basis of Claims Before Board. Any application made to the Board shall be based upon a claim that the true intent of the Uniform Construction Code, and/or building codes incorporated by reference, has been incorrectly interpreted; that the provisions of the Code do not fully apply; or that an equivalent form of construction is to be used. The Board may not consider handicapped accessibility claims.

3. Composition of Board.

   A. No elected Borough official may serve on the Board.

   B. Members shall be Borough residents. However, if no qualified residents can be found, then nonresidents may be appointed to serve.

   C. Members must be qualified by training and experience to understand and rule upon building construction issues. This may include licensure as an engineer or architect, experience as an inspector or plan reviewer, or relevant experience in the construction industry.

   D. The enactments of the State Ethics Commission, and interpretations of those enactments, including conflicts of interest and limitations on voting, shall apply to the Board.

   E. The Pennsylvania Sunshine Law shall apply to the Board, including as it relates to notice of meetings and deliberations in public.

4. Appeals.

   A. Appeals are taken by filing a petition with the Borough Manager on a form to be made available by the Borough.

   B. The filing date is either the postmark date or the date of personal service.

C. Borough action on any Code Enforcement Officer decision is stayed pending the appeal, except for claims of unsafe buildings or structures.

D. Unless the petitioner requests a hearing, the Board shall render its decision on the basis of the review of documents, briefs, and oral argument.

E. The Board shall convene to consider an appeal within 60 days of the filing of the appeal. Where a one-family or two-family residential structure is involved, the Board shall convene within 30 days. The parties may agree in writing to extensions of time.

F. A written decision shall be mailed to the parties within five business days from the date of the last hearing.

G. In setting the fee for the filing of the appeal, the Borough is limited to the actual cost to it of publishing public notice, payment of the court stenographer, and any other actual administrative cost incurred that is not of a type normally incurred in the holding of hearings.

H. An appeal of the Board's decision shall be made within 30 days of the date of decision in accordance with appeals under the Local Agency Law.

(Ord. 872, 10/21/1991, §15; as amended by Ord. 1033, 2/17/2009)

PART 2

BUILDING STANDARDS

A. BOCA National Building Code

§5-201. Adoption of Building Code.

The Borough of Ambler hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, equipment, fire protection and safety of buildings and structures, including administration, building permits and penalties, the building code known as the "BOCA National Building Code, 1990, Eleventh Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures and in all other subject therein contained, within the corporate limits of the Borough of Ambler.

(Ord. 873, 10/21/1991, §1)

§5-202 Amendments Made In Building Code.

The Building Code hereby adopted is amended as follows:

A. Borough of Ambler shall be inserted wherever the words "name of municipality" appear in brackets therein. Wherever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Borough Solicitor.

B. Section 109.1 is hereby amended to read as follows:

§109.1. Code Official. This Code shall be enforced by the Code Enforcement Officer appoint by Borough Council pursuant to Ord. 872 [Part 1], adopted even date herewith and such member of his department as shall be assigned to such function, particularly the Building Inspector who shall be appointed by Borough Council. The persons shall also be know as "code officials."

C. Section 109.2 is hereby amended to read as follows:

§109.2. Appointment. The Code Enforcement Officer shall serve at the pleasure of the Borough Council as shall the Building Inspector and other members of the department.

D. Section 109.4 is hereby amended to read as follows:

§109.4. Deputy. During the temporary absence or disability of the Code Enforcement Officer, the Building Inspector shall service in his stead and may be given authority at any time to accept applications and receive permits.

E. Section 109.5 shall be amended to read as follows:

§109.5. Qualification of Building Inspector. To be eligible for appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector or superintendent of building construction. He shall be of good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in connection with building construction, alterations, removal and demolition.

F. Section 114.3.1 shall be amended to read as follows:

§114.3.1. Fee Schedule. The fees charged by the Borough of Ambler for building permits, demolition permits, inspections and plan examinations shall be fixed, from time to time, by resolution of the Borough Council.

G. Section 117.4 shall be amended to read as follows:

§117.4. Violation Penalties. Any person, firm or corporation who shall violate any provision of this Code or who shall fail to comply with any requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Inspector or Code Enforcement Officer or of a permit or certificate issued under the provisions of this Code shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Code continues or each Section of this Code which shall be found to have been violated shall constitute a separate offense.

H. Section 118.2 shall be deleted.

I. Section 119.5 shall be deleted.

J. Section 123.0, Board of Survey and Subsections 123.1 through 123.5.1 shall be deleted.

K. Section 124.0, Means of Appeal and Subsections 124.1 through 124.7 shall be deleted.

L. Section 210.0 is hereby amended by adding thereto the following:

Alley. Any public way primarily intended to provide vehicular access to the rear of lots fronting upon public streets or avenues.

Building Line. A line, established by ordinance or designated upon an official adopted lot plan, beyond which a building shall not extend.

M. Section 309.4.2 shall be added and provide as follows:

§309.4.2. Offset and Exceptions. Multiple single-family dwellings must have a two foot offset between adjacent units. Exception:

(1) The exterior walls are rated one hour for a distance of four feet from where the dwellings meet.

(2) A two foot masonry wing wall extends past the face of the dwelling units where they have a common wall.

N. Section 313.1.1 is deleted.

O. Section 401, Table 401 is amended as follows:

§401, Table 401, line No. 4, shall all read one hour and line No. 5 shall be changed to two hours.

P. Section 608.1 shall be amended as follows:

§608.1. Attached Garages. The reference on line five thereof to "1/2 inch gypsum" shall be deleted and "5/8 inch fire rated gypsum board" inserted in its stead.

Q. Section 907.4 shall be amended to read as follows:

§907.4. Combustible Framing. There shall be no combustible framing in any fire wall.

R. Section 1002.7 shall be amended as follows:

§1002.7. Use Groups M, S-1 and F-1. In subparagraph (1) the number 12,000 shall be amended to read 5,000.

S. Section 1002.12 shall be added and read as follows:

§1002.12. Use Groups S-2 and F-2. An automobile fire suppressor system shall be provided throughout Use Groups S-2 and F-2 if the areas exceed 12,000 square feet.

T. Section 1016.4.2 shall be amended to read as follows:

§1016.4.2. Use Group B. A fire protection signaling system shall be installed and maintained in all buildings of the Group B.

U. Section 1016.4.6 shall be added and read as follows:

§1016.4.6. Other Use Groups. An automatic fire detection system shall be installed and maintained in all buildings of Use Groups M, S-1, S-2 and F-1.

V. Section 1017.4.5 shall be added and read as follows:

§1017.4.5. Other Use Groups. An automatic fire detection system shall be installed and maintained in all buildings of Use Groups B, F-1, F-2, S-1, S-2 and M.

W. Section 1017.5 is deleted.

X. Section 1020.1 shall be amended as follows:

§1020.1. Fire Suppression Systems. To the use groups described therein shall be added Use Groups "F."

Y. Section 1106, Table 1106.1 shall be amended as follows:

§1106. Uniformly Distributed Line Loads, Table 1106.1, Minimum Distributed Line Loads. The line loads for "sleeping rooms" shall be changed to read "40 lb." and for "attics" shall be changed to read "30 lb."

Z. Section 1106.1.2 shall be amended to read as follows:

§1106.1.2. Residential Attics. A live load shall be applied to joists or to bottom chords of trusses or trussed rafters only in those portions of attic space having a clear height of 42 inches (1,067 mm) or more between joist and rafter in conventional rafter construction and between bottom chord and any other member in trusses or trussed rafter construction. A ceiling live load reduction to 20 lb. per square foot is permitted in areas under 42 inches clearance between rafters and ceiling joists.

AA. Section 1701.1.2 shall be added to read as follows:

§1701.1.2. Minimum Lumber Grade. Minimum lumber grade for any structural member shall be No. 2 as certified by the Western Wood Association.

BB. Section 1702.2.3.6 shall be amended to read as follows:

§1702.2.3.6. Siding. Minimum sheathing over 16 inches g.c. is 1/2 inch thickness for particle board.

CC. Article 32 Repair, Alteration, Addition to and Change of Existing Buildings is deleted.

DD. Section 2906.1 is hereby amended to read as follows:

§2906.1. Filing Bond. No person shall erect, install, remove or rehang any sign for which a permit is required under the provisions of the Basic Code until an approved bond shall have been filed in the sum to be determined by resolution of Borough Council.

EE. Section 1017.4.5, and at any other location in the Code identifying classes of occupancies requiring fire detection systems, is amended so that included as a covered occupancy is any mixed use occupancy that includes any type of residential occupancy as one of the included occupancies.

(Ord. 873, 10/21/1991, §2; as amended by Ord. 991, 8/15/2005; and by Ord. 1048, 8/17/2010)

§5-203. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations or departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 873, 10/21/1991, §3)

§5-204. Provisions to be Continuation of Existing Regulations.

The provisions of this Part so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(Ord. 873, 10/21/1991, §4)

B. Fallout Shelters

§5-211. Construction of Family Fallout Shelters.

Due to the specialized purpose and emergency nature for which family fallout shelters are designed, any such shelter which complies with Subsections A, B and C of this Part is hereby exempt from the provisions of the Building Code of the Borough of Ambler, except as otherwise provided herein.

A. Definition. A "family fallout shelter" is a structure designed and constructed in accordance with this subpart, for emergency use only, to afford minimum protection from nuclear radiation, commonly known as "fall-out," resulting from a nuclear incident which recent has been, or is, or is likely to be of catastrophic proportions.

B. A family fallout shelter shall be of a design conforming to the recommended or accepted by the Federal Emergency Management Agency (FEMA).

C. A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to Design Loads and General Building Requirement specified in the "BOCA National Building Code, 1990, Eleventh Edition."

D. Notwithstanding the foregoing, the provisions contained in the Building Code of the Borough of Ambler and the provisions of the Borough of Ambler Zoning Ordinance [Chapter 27], relating to location, administration, permits, inspections and penalties shall be applicable to family fallout shelters.

(Ord. 479, 12/11/1961; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 3

FIRE PREVENTION CODE

§5-301. Adoption of Fire Prevention Code; Applicability.

The 2009 International Fire Code, subject to the specific provisions below, is adopted to the extent that the language therein regulates the ongoing maintenance and safety of existing buildings and structures. With respect to the construction of new buildings and additions regulated by the Pennsylvania Uniform Construction Code, these remain entirely within the province of the Commonwealth, unaffected by this Part. The entirety of this Part shall be read as affecting only the ongoing safety and maintenance of existing buildings.

(Ord. 1048, 8/17/2010)

§5-302. Amendments to Fire Prevention Code.

1. In Section 101.3 and in any other place in the International Fire Code where the name of the jurisdiction requires identification, this Part is applicable throughout all of the Borough of Ambler, Montgomery County, Pennsylvania.

2. Section 109.3 of the Code is modified as follows: A violator is guilty of a summary offense. The maximum fine for a violation shall be $300 for each offense, in addition to court costs. It shall be within the province of the presiding authority to determine whether, under the facts and circumstances, each day of a continuing offense constitutes a separate offense. Where such determination is made, the fine is $300 for each day of offense. This provision does not preclude the possibility that conduct constituting a reckless or intentional disregard for the safety of persons or property constitutes one or multiple violations of the Pennsylvania Crimes Code as determined by criminal law enforcement authorities.

3. Where the Code refers to a fire code official, this shall generally mean the Borough Fire Marshal appointed by Council. However, the Borough Code Enforcement Office shall also have authority to find and abate violations.

(Ord. 1048, 8/17/2010)

PART 4

ELECTRICAL STANDARDS

A. NFIPA National Electrical Code

§5-401. Adoption of Code.

The Borough of Ambler hereby adopts, for the purpose of establishing rules and regulations for the installation, renewal, extension and reception of electric wiring and electric apparatus in existing buildings, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, the electrical code known as the "National Electrical Code, 1990 Edition," as recommended by the National Fire Protection Association, of which not less than three copies have been and now are filed in the office of the Borough Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date by which this Part shall take effect, the provisions thereof shall be controlling for all existing and future electrical wiring and apparatus in buildings, structures or outdoor electrical display or signs within the corporate limits of the Borough of Ambler.

(Ord. 879, 10/21/1991, §1)

§5-402 Enforcement.

The "National Electrical Code" adopted in §5-401 hereof shall be enforced by the Code Enforcement Officer. The Code Enforcement Officer shall, upon the installation, removal, extension and reception of any electrical wiring and electric apparatus pursuant to this Part, cause an inspection or inspections to be made by himself or his duly authorized agents, to determine that the electrical work conforms with the "National Electrical Code," this Part and other ordinances of the Borough of Ambler and the statutes of the Commonwealth of Pennsylvania.

(Ord. 879, 10/21/1991, §2)

§5-403 Prohibition Without Permit.

No person, co-partnership, firm, association, corporation or other legal entity shall hereafter install, receive, renew or extend electrical wire or conductors to be used for the transmission of electric current for electric light, heat or power purposes in existing buildings, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, without first applying for and obtaining a permit to do so pursuant to this Part.

A. All such applications for a permit shall be made to the Code Enforcement Officer, in writing, on forms supplied by said Code Enforcement Officer.

B. Any person making false answers to any questions or items set forth in such application form shall forfeit and surrender any permit issued pursuant thereto.

C. Such application form shall contain questions designed to elicit information to determine whether or not said proposed electric wiring and electric apparatus comply with the "National Electrical Code," any other ordinances of the Borough of Ambler and statutes of the Commonwealth of Pennsylvania.

D. Each such application form shall be accompanied by a fee prescribed pursuant to a resolution of the Borough Council.

E. Each applicant for a permit shall furnish to the Code Enforcement Officer proof, in writing, that an application for inspection of the proposed electric wiring and electric apparatus has been made to a local area inspection agency that specializes in such inspections, to determine that the electrical work conforms with the provisions of the "National Electrical Code" and this Part. The payment of all inspection fees and charges of the local area inspection agency shall be borne by the applicant.

F. Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections by the Code Enforcement Officer and his agents and the representative or representatives of the local area inspection agency at all reasonable times.

G. Upon the determination of the Code Enforcement Officer that the proposed electric wiring and electric apparatus comply with the "National Electric Code," this and other ordinances of the Borough of Ambler and the statutes of the Commonwealth of Pennsylvania, a permit shall be issued.

H. All permits shall expire one year from the date of issuance by the Code Enforcement Officer.

(Ord. 879, 10/21/1991, §3)

§5-404. Inspection of Work Under Permit.

1. All inspections shall be made to ensure that the proposed electrical work complies with the "National Electrical Code." No electric wiring shall be concealed unless inspected and approved by the Code Enforcement Officer and his agents and the representatives or representative of the local area inspection agency, but such inspection or reinspection shall be made within a reasonable time after notice of completion of the electrical work sought to be inspected for approval. A duplicate

record of each written approval made by the local area inspection agency shall be filed with the Code Enforcement Officer.

2. All decisions made to determine whether or not the proposed electrical work complies with the provisions of the "National Electrical Code" shall be made by the Code Enforcement Officer or a member of his department assigned to that function.

3. The Code Enforcement Officer shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with the "National Electrical Code," this and other ordinances of the Borough of Ambler and the statutes of the Commonwealth of Pennsylvania.

4. The Code Enforcement Officer may waive his inspection to determine compliance with the "National Electrical Code" and this Part of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the local area inspection agency. The Code Enforcement Officer shall give notice so that the approved work can be concealed.

(Ord. 879, 10/21/1991, §4)

§5-405. Inspection of Existing Electrical Wiring and Apparatus.

In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence with the corporate limits of the Borough of Ambler, the Code Enforcement Officer is hereby given the duty to inspect with his agents and the representative or representatives of the local area inspection agency, when requested by proper authority, or when public interest so requires, any premise within the Borough of Ambler at reasonable times to ensure that the existing electric wiring system and apparatus is not defective and unsafe.

A. All decisions that the existing electric wiring system and apparatus is defective shall be made by the Code Enforcement Officer, in writing, on notice to the owner of the premises served forthwith personally or by regular mail addressed to the address shown on the latest tax records, with reasons for his decision.

B. Upon the decision of the Code Enforcement Officer that the existing electric wiring system is defective and unsafe as aforesaid, the system or portions of the system which are defective and unsafe shall be discontinued until it is corrected and made to comply with the provisions of the "National Electrical Code" in accordance with this Part.

(Ord. 879, 10/21/1991, §5)

§5-406. Approved Materials.

Only the materials, fittings and devices enumerated in the "List of Inspected Appliances" of Underwriters Laboratories, Inc., as revised from time to time, shall be used in the electrical work regulated by the "National Electrical Code" and this Part.

(Ord. 879, 10/21/1991, §6)

§5-407. Supplements.

The "National Electrical Code" herein adopted is supplemented by adding thereto the following which is made a part hereof:

A. Whenever a permit is required under the terms of this Part for electrical wiring and apparatus to be done in connection with a gas or oil burner installation and in any existing building or structure or in the construction, reconstruction, alteration or repair of buildings or structures, there shall be installed an emergency shut off switch with a red plate thereon mark "oil burner" or "gas burner," as the case may be, at the entrance to the basement or heating room.

(Ord. 879, 10/21/1991, §7)

§5-408. Modification on Application.

The Borough Appeals Board shall have the power to modify any of the provisions of this Part, upon application, in writing, by the owner of a premise or his agent, when there are practical difficulties in the way of carrying out the strict letter of this Part; provided, that the spirit of this Part shall be observed, public safety secured and substantial justice done.

(Ord. 879, 10/21/1991, §8

§5-409. Records.

All records of the Code Enforcement Officer pursuant to this Part shall be open to public inspection for good and sufficient reasons during office hours, but shall not be removed from the office of the Code Enforcement Office without his written consent.

(Ord. 879, 10/21/1991, §9)

§5-410. Exemption.

No permit shall be required under this Part for the following electrical work:

A. Minor repair work such as the replacement of lamps and fuses.

B. The connection of portable electrical appliances to suitable permanently installed appliances.

C. Equipment installed or work performed by or for a public utility operating under authority granted by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania.

D. Equipment installed or work performed by a railway utility in the exercise of its function as a utility and located in or on its right-of-way.

E. Equipment used in connection with commercial radio and television transmission.

F. Repair, manufacturing and maintenance work on premises occupied by a firm or corporation and performed by a regular employee who is a qualified journeyman electrician.

(Ord. 879, 10/21/1991, §10)

§5-411. Fee.

Fees for permits or renewals thereof required by this Part shall be established pursuant to a resolution, from time to time, of Borough Council.

(Ord. 879, 10/21/1991, §11)

§5-412. Penalties.

1. Any person who shall violate any provision of this Part or of the "National Electrical Code" hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall do or cause to be done electrical work in violation of any detailed statement of specifications or plan submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Code Enforcement Officer within the time affixed therein, shall severally for each and every such violation and noncompliance respectively shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

3. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions, by any action at law or in equity instituted by the Code Enforcement Officer on behalf of the Borough of Ambler with the consent of Borough Council.

(Ord. 879, 10/21/1991, §12; as amended by A.O.

§5-413. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 879, 10/21/1991, §13)

§5-414. Provisions to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances.

(Ord. 879, 10/21/1991, §14)

B. Examining Board, Licenses and Fees.

§5-421. Definitions.

Unless expressly stated, the following words shall, for the purpose of this Part, have the meaning herein indicated:

APPRENTICE ELECTRICIAN — any person who shall have qualified as an apprentice electrician and registered in accordance with the terms of this Part and under the rules and regulations of the said Examining Board.

CHIEF PLANT ELECTRICIAN — any person who shall have qualified as a Chief Plant Electrician and registered in accordance with the terms of this Part and under the rules and regulations of said Examining Board.

JOURNEYMAN ELECTRICIAN — any person who shall have passed a journeyman electrician's examination and qualified and registered in accordance with the terms of this Part and under the rules and regulations of said Examining Board.

MASTER ELECTRICAL CONTRACTOR — any person, firm or corporation who shall have qualified and registered as a master electrical contractor in accordance with the terms of this Part and under the rules and regulations of the Examining Board hereinafter created.

MATERIALS, ELECTRICAL OR ELECTRICAL WORK, ELECTRICAL MATERIALS, ELECTRICAL APPLIANCE AND ELECTRICAL FIXTURES — all electrical apparatus, electric appliances, electric wiring, electrical fixtures and all electrical supplies of whatsoever kind or nature used as a part of any installation for the transmission or consumption of electrical energy and including the electrical installation and apparatus used in connection with and adjunctive to domestic oil burners and mechanical stokers; provided, however, said terms shall not include incandescent lamps, domestic electrical appliances severable from the freehold without material damage thereto, public utility company kilowatt meters, radio broadcast or receiving apparatus or automotive electrical equipment. Provided further, that nothing in this Part shall apply to work performed by employees of a public utility while engaged in regular line of duty for the utility company by whom they are employed. "Regular line of duty" shall mean that work which is essential or incidental to the delivery of energy to customers of said public utility.

OIL BURNER SERVICE DEALER — any person, firm or corporation who shall be qualified and registered as an oil burner service dealer in accordance with the terms of this Part and under the rules and regulations of the said Examining Board.

REFRIGERATION SERVICE DEALER — any person, firm or corporation who shall have qualified and registered as a refrigeration service dealer in accordance with the terms of this Part and under the rules and regulations of the said Examining Board.

(Ord. 603, 2/12/1973, §5)

§5-422. Creation of Electrical Examining Board.

There is hereby created and established as Electrical Examining Board hereinafter referred to as "Examining Board."

(Ord. 603, 2/12/1973, §6)

§5-423. Membership and Function of Examining Board.

1. Said Examining Board shall consist of three qualified persons appointed by the Borough Council. Such persons shall be residents of Ambler Borough and may be master electrical contractors, electrical engineers, electrical teachers of trade schools, members of a recognized inspection agency or such other person deemed qualified by Borough Council.

2. The members of said Examining Board shall hold their office for a period of three years or until the successor or successors are duly qualified in office; provided, however, that the original members of the Board shall be appointed to hold office for a term of one, two and three years respectively.

3. Two members of said Examining Board shall constitute a quorum for the transaction of any and all business.

4. The members of the Examining Board shall, within five days from their appointment, meet specifically and organize and elect from among their members a President and a Secretary and thereafter shall meet on the first Monday of the months of April, July and October of each and every year; provided, however, when any of the days appointed for meeting shall fall on a legal holiday, for the purpose of considering and disposing of all applications for licenses for master electrical contractors, chief plant electricians, oil burner service dealers, refrigeration service dealers, journeyman electricians and apprentice electricians.

5. Said Examining Board shall hold special meetings as frequently as the proper and efficient discharge of its business shall require, upon 24 hours written notice to each member, stating the object of such meeting.

6. The Examining Board shall formulate rules and regulations for the examination, registration and licensing of master electrical contractors, chief plant electricians, oil burner service dealers, refrigeration service dealers, journeyman electricians and apprentice electricians. Said rules and regulations shall become effective upon adoption by the Examining Board and the approval of the Borough Council.

7. The Examining Board shall, at any time demanded, make a written report to the Borough Council containing a summary of its deliberations and determinations.

(Ord. 603, 2/12/1973, §7)

§5-424. License Requirements.

1. Any person, firm or corporation desiring to engage in the business or occupation of master electrical contractor, chief plan electrician, apprentice electrician as defined in this Part, shall apply to the Examining Board for a license and registra-

tion as herein required and said applicant shall present himself before said Electrical Examining Board at a time and place fixed by said Board wherein his qualifications and knowledge shall be inquired into. If the Board shall find, upon due examination, that the applicant presenting himself has a reasonable knowledge of electricity and the natural laws and functions of electrical energy and of the provisions of the "Regulations of the National Board of Fire Underwriters for Electric Wiring and Apparatus" (in accordance with the current issue of the National Electrical Code) and is possessed of skill and knowledge in a matter appertaining to the science of electricity sufficiently to discharge the profession of a master electrical contractor or chief plant electrician or oil burner service dealer, or refrigeration service dealer, or journeyman electrician, or apprentice electrician as herein defined, than the said Electrical Examining Board, upon proof of the payment of the fee herein provided, shall issue to said person, firm or corporation, without further charge, a license as master electrical contractor, chief plant electrician, oil burner service dealer, refrigeration service dealer, journeyman electrician, apprentice electrician, as the case may be. Such license shall continue in full force and effect following its issuance to and including the 31st day of December in the year of its issuance, unless sooner revoked.

2. Applications for examination and license shall be accompanied with proof that the proper fee, as established by resolution of Council, has been paid the Borough Secretary for the use of the Borough.

3. Any applicant who is unsuccessful in passing the examination may be permitted to take a reexamination not less than 60 days after the date of the unsuccessful examination and without payment of any additional fee. If he shall be unsuccessful upon reexamination, he shall not apply for further examination for a period of six months and such reapplication shall be accompanied with the proof of the payment of the fee as if the application were an original application.

4. The license here provided, shall expire December 31, of the year of which is issued.

5. A master electrical contractor, chief plant electrician, oil burner service dealer, refrigeration service dealer, journeyman electrician or apprentice electrician, as the case may be, desiring to continue to practice the profession or trade for the year following the expiration of his license shall between the 1st and 31st day of December of each and every year surrender his license for the then current year to the Secretary of the Examining Board who shall forthwith upon proof of the payment of the fee established by resolution of Council, issue to the applicant a proper license for the ensuing year.

(Ord. 603, 2/12/1973, §8; as amended by Ord. 785, 11/21/1983)

§5-425. Persons Already Performing Electrical Work in Borough.

Any person, firm or corporation practicing on February 12, 1973, the profession or trade of master electrical contractor, chief plant electrician, oil burner service dealer, refrigeration service dealer, journeyman electrician or apprentice electrician, as defined in this Part, who shall desire to continue the practice of such profession or trade within the Borough of Ambler may file a written application with the Secretary of the Examining Board, reciting his name, residence, the address of his place of business, if any, and the name under which he is doing business and a statement that on the effective day of this Part such applicant was actively and actually engaged in the profession or trade of master electrical contractor, chief plant electrician, oil burner service dealer, refrigeration service dealer, journeyman electrician or apprentice electrician, as the case may be, and that he intends to continue to practice such profession or trade continuously within the Borough of Ambler, said written application to be signed by the person named therein if said application is made by an individual, by the members of the copartnership if the applicant be a firm and by the president and secretary of the corporation if the applicant be a corporation. Said application is to be varied by the oath of the applicant. Upon receipt of the application accompanied with proof of the payment of the fee hereinbefore provided, the Examining Board shall issue to such applicant the class of license applied for.

(Ord. 603, 2/12/1973, §9)

§5-426. Electrical Installations to be Done Only by Certain Persons.

The installation or use of electrical work, electrical materials, electrical appliances or electrical fixtures, as defined in this Part, which have been introduced into or installed, or constructed in any building or structure in the Borough of Ambler by any person, firm or corporation, other than a master electrical contractor or chief plant electrician, as defined in this part, is prohibited; provided, however, that the use of electrical work, electrical materials, electrical appliances or electrical fixtures introduced or constructed on the effective day of this Part shall not fall within the prohibition of this Part pending examination by an authorized inspection agency.

(Ord. 603, 2/12/1973, §10)

§5-427. Application and Approval for Proposed Installations Required.

Master electrical contractors and chief plant electricians, oil burner service dealers, refrigeration service dealers, as defined in this Part, before installation, introduction or construction of any electrical work, electrical materials, electrical appliances or electrical fixtures shall first file a written and signed application on the form of an authorized inspection agency identifying the premises therein, the installation or construction as to be made and the extent, specification and classification of the work to be done. Said application shall be executed in triplicate, one copy to be retained and filed in the office of the Fire Marshal, one copy to be filed with the Secretary of the Examining Board and

one copy to be filed with an authorized inspection agency. The execution of the application and the filing of the triplicate copies shall constitute a permit to the master electrical contractor, the chief plant electrician, oil burner service dealer or refrigeration service dealer, as the case may be, to proceed with the work described in the application. Provided, however, that no application shall be accepted by the Fire Marshal except from a master electrical contractor, chief plant electrician, oil burner service dealer or refrigeration service dealer as defined in this Part and, provided, further, that no application shall be received by the Fire Marshal of a chief plan electrician except that the application shall be for work to be installed or constructed in the factory or plant in which such chief plant electrician is employed.

(Ord. 603, 2/12/1973, §11)

§5-428. Inspection of Work; Issuance of Cut-In Cards.

Upon completion of the introduction, installation or construction of any electrical work, the master electrical contractor, chief plant electrician, oil burner service dealer or refrigeration service dealer shall notify an authorized agency, the fee or fees provided to be paid upon the application, whereupon the said authorized inspection agency, without delay, shall inspect such introduction, installation or construction of electrical work and if the work is done in accordance with the application, the terms of this Part and the provisions of "Regulations of the National Board of Fire Underwriter for Electric Wiring and Apparatus" (in accordance with the current issue of the National Electrical Code), shall thereupon issue a cut-in-card in triplicate and shall forthwith file one copy thereof with the Fire Marshal of the Borough of Ambler. Electric energy shall not be introduced into such installation or construction of electrical work nor shall use be made thereof until a cut-in-card is so issued.

(Ord. 603, 2/12/1973, §12)

§5-429. Temporary Permission to Practice Profession.

The electrical inspector may, before the examination of chief plant electrician or journeyman electricians or apprentice electricians give temporary permission to practice the profession or trade of chief plant electrician, journeyman electrician or apprentice electrician to the next examination conducted by the Examining Board.

(Ord. 603, 2/12/1973, §13)

§5-430. Permits Issued Only to Individuals Applying for License.

No person, firm or corporation licensed as a master electrical contractor, chief plant electrician, oil burner service dealer or refrigeration service dealer shall allow the use of his, their or its name by any person or person other than himself, or itself, directly or

indirectly, for the purpose of obtaining a permit or permits to do any electrical work within the Borough of Ambler.

(Ord. 603, 2/12/1973, §14)

§5-431. Electrical Work to be Done by Licensed Persons Only.

No person, firm or corporation other than a licensed master electrical contractor, oil burner service dealer or refrigeration service dealer shall carry on or engage in the electrical business or profession within the Borough of Ambler, nor shall any person or persons other than a licensed master electrical contractor, a licensed chief plan electrician, a licensed oil burner service dealer or a licensed (or a person in his or their employ or under his or their supervision) alter, erect, install, repair, introduce or make any addition to any electrical work, electrical materials, electrical appliances or electrical fixtures.

(Ord. 603, 2/12/1973, §15)

§5-432. Material to be Approved by Underwriters Laboratories.

1. The introduction or use of materials are defined in this Part which do not bear the seal of approval of the Underwriters Laboratories is prohibited.

2. No person, firm or corporation shall sell, offer to sell or exchange or offer to exchange any electrical materials or electrical appliances, whether new or second hand, unless such electrical materials or electrical appliances bear the seal of approval of the Underwriters Laboratories.

(Ord. 603, 2/12/1973, §16)

§5-433. Standards and Restrictions on Outdoor Illuminated Signs.

The terms and provisions of this Part shall apply to all illuminated outdoor advertising signs constructed and maintained within the Borough of Ambler; provided, however, that the colors red, amber or green shall not be used to illuminate signs unless and until the applicant has received the approval of the Building Inspector of the Borough, determining that the use of the colors red, amber or green will not in any way interfere with traffic lights and signals to create traffic hazards.

(Ord. 603, 2/12/1973, §17)

§5-434. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 603, 2/12/1973; as added by Ord. 785, 11/21/1983; as amended by A.O.

PART 5

BOCA NATIONAL PLUMBING CODE

§5-501. Adoption of Plumbing Code.

The Borough of Ambler hereby adopts, for the purpose of establishing rules and regulations for the design and installation of plumbing systems, including administration, plumbing permits and penalties the plumbing code known as the "BOCA National Plumbing Code, 1990, Eighth Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Part shall take effect, the provisions thereof shall be controlling in the design and installation of plumbing systems within the corporate limits of the Borough of Ambler.

(Ord. 875, 10/21/1991, §1)

§5-502. Amendments Made In Plumbing Code.

The Code hereby adopted is amended as follows:

A. The Borough of Ambler shall be inserted wherever the words "name of municipality" appear in brackets therein. Wherever the term "legal officer" or "legal representative" is used in this Code, it shall be held to mean the Borough Solicitor."

B. Section P-100.4 is hereby added as follows:

§P-100.4. Effective Date. This Code shall take effect on the date of its adoption by the Borough of Ambler.

C. Section P-104.1 is hereby amended to read as follows:

§P-104.1. Continuation. The legal use and occupancy of any structure existing on the effective date of this Part, or for which it had been heretofore approved, may be continued without change except as may be specifically covered in this Code or deemed necessary by the plumbing official for the general safety and welfare of the occupants and the public.

D. Section 114.2 is hereby amended to read as follows:

§P-114.2. Fee Schedule. For approving plans and issuing a permit therefor, to include inspection of the work during its progress and for final inspection and supervision of the rest of the work to be made by the plumber on plumbing installations, the administrative authority shall be entitled to

receive the fees established, from time to time, pursuant to a resolution of the Borough Council.

E. Section 117.4 is hereby amended to read as follows:

§P-117.4. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

F. Section 118.2 shall be deleted.

G. Section P-122.0, Means of Appeal, including Subsections P-122.1 through P-122.7 shall be deleted.

H. Section P-201.0 is hereby amended to read as follows:

§P-201.0. Administrative Authority. The person appointed by the Borough Council to the position of Code Enforcement Officer with authority to administer and enforce the provisions of this Code.

I. Section P-303.2 is hereby amended to read as follows:

§P-303.2. Public Systems Available. A public water supply system or public sewer system shall be deemed available to premises used for human occupancy if such premises are within 150 feet, measured along a street, alley or easement of the public water supply or sewer system and a connection conforming with the standards set forth in this Code may be made thereto

J. Section P-308.3 is hereby amended to read as follows:

§P-308.3. Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than three feet below grade for water piping and three feet for sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

K. Section P-42.1 is hereby amended to read as follows:

§P-402.1. Water Quality. Water service pipe and water distribution pipe shall be lead-free and resistant to corrosive action and degrading action from the potable water supplied by the water purveyor or individual water supply system.

L. Section P-208.8 is hereby amended to read as follows:

§P-208.8. Backfilling.

Excavations of Borough Streets shall be backfilled in accordance with the provisions of Borough Ord. 509, 4/13/1964, as most recently amended by Ord. 677, adopted and approved 9/11/1977, which is found in §21-207.

(Ord. 875, 10/21/1991, §2; as amended by Ord. 889, 7//20/1992, §1; and by A.O.

§5-503. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 875, 10/21/1991, §3)

§5-504. Provisions to be Continuation of Existing Regulation.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(Ord. 875, 10/21/1991, §4)

PART 6

PROPERTY MAINTENANCE

A. Property Maintenance Code

§5-601. Adoption of Property Maintenance Code.

The Borough of Ambler hereby adopts, for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the "BOCA National Property Maintenance Code, 1990 Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Subpart shall take effect, the provisions thereof shall be controlling in the maintenance of all structures and in all other subjects therein contained, within the corporate limits of the Borough of Ambler.

(Ord. 878, 10/21/1992, §1)

§5-602. Amendments Made In Property Maintenance Code.

The Property Maintenance Code hereby adopted is amended as follows:

A. The Borough of Ambler shall be inserted wherever the word "name of municipality" appear in brackets therein. Wherever the term "legal officer" or "legal representative" is used in this Code, it shall be held to mean the Borough Solicitor.

B. Section PM-109.2 is hereby amended to read as follows:

§PM-109.2. Penalty. Any person, firm or corporation who shall violate any provisions of this Subpart shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Subpart continues or each Section of this Subpart which shall be found to have been violated shall constitute a separate offense.

C. Section PM-104.1 is hereby amended to read as follows:

§PM-104.1. General. This Code shall be enforced by the Code Enforcement Officer appointed by Borough Council pursuant to Ord. 872 [Part 1], bearing even date herewith and such other persons in his department as shall, from time to time, be appointed to such function. These persons shall also be known as code officials.

D. Section PM-111.0, Right of Appeal, including Subsections PM-111.1 through PM-111.2 and its Subsections PM-111.2.1 through PM-111.3 are deleted.

(Ord. 878, 10/21/1991, §2; as amended by Ord. 991, 8/15/2005)

§5-603. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Subpart. The Code shall control in all cases where the State requirements are not as strict as those contained in this Subpart.

(Ord. 878, 10/21/1991, §3)

§5-604. Provisions to be Continuation of Existing Regulations.

The provisions of this Subpart so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Subpart are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Subpart shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any of the repealed ordinances.

(Ord. 875, 10/21/1991, §4)

B. Portable Storage Units

§5-611. Definitions.

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

PORTABLE STORAGE UNIT (also known as "portable on-demand storage units" or "PODS") — portable containers that are placed on or in front of a property for the purpose of storing, loading, or unloading furniture, clothing, or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster. Unlike trailers typically attached to semi-trucks for transport, portable storage units must be no larger than eight feet by eight feet by 16 feet.

(Ord. 1028, 11/18/2008)

§5-612. Permit Required; Application; Insurance; Fee.

Before placing a portable storage unit on his or her property, a person must submit an application and receive a permit from the Borough. An insurance certificate providing liability insurance in the amount of $100,000 provided by the company supplying the portable storage unit must accompany the application, with the Borough of Ambler named as an additional insured party. However, this is not required to be submitted if the Borough already has a certificate from the same company on file that was submitted within the past calendar year. The permit fee will be set forth in the Borough's master fee schedule for permits and applications. Applications shall be obtained from the Code Enforcement Office.

(Ord. 1028, 11/18/2008)

§5-613. Duration.

Permits will be granted for a period of 30 days for off-street placement and for a period of five days for on-street placement. Portable storage units shall be permitted for a maximum of 30 days in any one twelve-month period (per property) for off-street, and five days for on-street.

(Ord. 1028, 11/18/2008)

§5-614. Location.

1. Portable storage units are prohibited from being placed on an unpaved area in the front yard of a property. Portable storage units kept on-site must be kept in the driveway or paved, off-street surface on the property at the furthest accessible point from the street. Where possible, the unit shall be placed on a paved surface to the rear or side of the principal structure. When placed on the driveway or paved area in the side or rear yard, portable storage units shall be located at least 10 feet from any property line, space permitting.

2. If there is no driveway, the portable storage unit must be located in front of the property on the street. If placed in the street, portable storage units must have flashing barricades stationed at either end, in such a way that the unit does not extend farther into the street than the flashing barricades. Reflectors shall be placed on the sides of the unit visible from the street. In no case may the portable storage unit create a sight obstruction for vehicular or pedestrian traffic, nor block sidewalks. The Borough Code Enforcement Officer may require adequate safety mitigation measures in conjunction with the portable storage unit be undertaken by the applicant where necessary.

(Ord. 1028, 11/18/2008)

§5-615. Number of Units.

Only one portable storage unit may be placed at any property at one time. If multiple units are used sequentially on a property, the permit shall apply to all cumulatively.

(Ord. 1028, 11/18/2008)

§5-616. Use During Natural Disaster.

The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more portable storage units may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a certificate of occupancy for the principal structure(s) or 12 months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Code Enforcement Officer may extend the authorization for as much as an additional twelve-month period or until a certificate of occupancy is issued, whichever occurs first. In cases of natural disasters, the portable storage units must be located off-street.

(Ord. 1028, 11/18/2008)

§5-617. Advertising.

Advertising is prohibited on a portable storage unit, with the exception of the name and phone number of the unit's supplier, which is required.

(Ord. 1028, 11/18/2008)

§5-618. Hazardous Materials.

The use of portable storage units for storage of hazardous materials is prohibited. The Borough Code Enforcement Officer may inspect the portable storage unit to ensure no such materials are being stored inside.

(Ord. 1028, 11/18/2008)

§5-619. Condition of Portable Storage Unit.

A portable storage unit with holes, breaks, tears, or large areas of rust, in the opinion of the Code Enforcement Officer, may not be placed on or in front of any property.

(Ord. 1028, 11/18/2008)

§5-620. Violations and Penalties.

Any person who shall place a portable storage unit in violation of this Subpart shall, upon conviction before a District Justice, be sentenced to pay a fine not exceeding $300, together with the costs of prosecution.

(Ord. 1028, 11/18/2008)

§5-621. Relationship to Property Maintenance Code.

If the provisions of this Subpart are found to be inconsistent with any portion of the BOCA National Property Maintenance Code or any other nationally recognized property maintenance code that may be adopted by the Borough, the provisions of this Subpart shall control. All portions of the BOCA Code otherwise remain in full force and effect.

(Ord. 1028, 11/18/2008)

C. Dumpsters.

§5-631. Definitions.

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

> CONSTRUCTION DUMPSTER — a bulk container or receptacle that is used in connection with the performance of construction work and is designed for the temporary storage and disposal of garbage, trash, and any form of waste materials, not including hazardous or infectious waste.

(Ord. 1031, 1/20/2009)

§5-632. Location of Construction Dumpsters.

1. Off Street. Generally, dumpsters shall be placed on the property being serviced and not on the street in front of the property. No commercial or construction dumpster shall be located within 10 feet of an abutting building. Where compliance with this provision is not possible by virtue of the proximity of the buildings to one another, or where other compelling reasons (example: narrowness of street prevents delivery of dumpster onto property), on-street placement is permitted.

2. On-street. If permitted and the dumpster is placed on the public street or alley, the dumpster shall be directly in front of or on the side of the property address utilizing the dumpster. Additionally, a dumpster placed in the street:

A. Shall not be more than 18 inches from the curb.

B. Shall not obstruct driveways of abutting properties.

C. Shall be protected at both ends by a barricade, which, after sunset, shall have a flashing yellow light attached to it.

D. Shall have a reflector or reflective area of not less than 36 square inches at each end.

E. May not be utilized where the remaining usable width of the roadway does not allow for the passage of motor vehicles around it.

(Ord. 1031, 1/20/2009)

§5-633. Time Limit.

1. A dumpster placed on a public street may not remain for longer than 14 days at any one time and, absent an emergency condition, not more than on three separate occasions in one twelve-month period.

2. A dumpster placed off street may remain for 30 days and, absent an emergency condition, not more than on three separate occasions in one twelve-month period.

3. When the need for the dumpster is the result of an emergency condition at the property to be served (example: water or fire damage; hurricane damage) then in such instance the dumpster may remain for the length of time necessary to remove the debris as determined by the Code Enforcement Officer. In such instances, the use of the dumpster is not counted towards the limit of three times per twelve-month period.

4. Each fourteen-day or thirty-day period, as applicable, requires a new permit. Where an applicant is running two or three fourteen-day or thirty-day periods consecutively, the permit must be renewed upon the expiration of each fourteen-day or thirty-day period, as applicable.

(Ord. 1031, 1/20/2009)

§5-634. Sanitation.

The following requirements shall be maintained while the dumpster is on or at the site:

A. The area around the dumpster shall be kept free of debris and litter.

B. Any dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within 24 hours.

C. Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor.

D. A full dumpster shall be removed from the property within two days.

(Ord. 1031, 1/20/2009)

§5-635. Usage.

A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed. Dumpsters shall be closed and locked when not in use.

(Ord. 1031, 1/20/2009)

§5-636. Identification.

The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weatherproof manner on the dumpster.

(Ord. 1031, 1/20/2009)

§5-637. Permit Required.

A permit shall be required for a dumpster. The permit shall be obtained from the Borough Code Enforcement Officer, and the fee shall be set by Council by resolution.[1] The permit shall be displayed in a weatherproof fashion on the dumpster. A permit shall only be issued for one dumpster at a time at a given address. By vote of Council on the basis of a demonstrated need, more than one dumpster may be authorized for a location.

(Ord. 1031, 1/20/2009)

§5-638. Abatement.

Any dumpster not in compliance with this Subpart is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster.

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[1] **Editor's Note: The current resolution is on file in the office of the Borough Secretary.**

(Ord. 1031, 1/20/2009)

§5-639. Violations and penalties.

1. Violation of any provision of this Subpart shall be punishable by a fine in an amount of not more than $300.

2. In addition, a person found guilty of a violation of this Subpart shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

(Ord. 1031, 1/20/2009)

PART 7

BOCA NATIONAL MECHANICAL CODE

§5-701. Adoption of Mechanical Code.

The Borough of Ambler hereby appoints, for the purpose of prescribing regulations governing the safe installation and maintenance of all mechanical equipment, the mechanical code known as the "BOCA National Maintenance Code, 1990, Seventh Edition" save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and now are filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough of Ambler.

(Ord. 876, 10/21/1991, §1)

§5-702. Amendments Made In Mechanical Code.

The Mechanical Code hereby adopted is amended as follows:

A. Borough of Ambler shall be inserted whenever the words "name of municipality" appear in brackets therein.

B. Wherever the term "legal officer" or "legal representative" is used in this Code, it shall be held to mean the Borough Solicitor.

C. Section M-109.2 is amended to include the following:

§M-109.2. Code Official. The Code Official shall be the Code Enforcement Officer appointed pursuant to Ord. 872 [Part 1], bearing even date with this Part.

D. Section M-112.1 is amended to include the following:

§M-112.1. Action on Permit Application. The Code Official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to the requirements of all pertinent laws, the Code Official shall reject such application in writing, stating the reasons therefor. If the Code Official is satisfied that the proposed work conforms to the requirements of this Code and all laws and ordinances applicable thereto, the Code Official shall issue a permit as soon as practicable.

E. Section M-114.2 is amended to include the following:

§M-114.2. Periodic Inspections. The fees for all periodic inspections shall be fixed, from time to time, pursuant to a resolution of the Ambler Borough Council.

F. Section M-114.3 is amended to include the following:

§M-114.3. Fee Schedule. The fees for all mechanical work shall be fixed, from time to time, pursuant to a resolution of the Ambler Borough Council.

G. Section M-117.4 is hereby amended to read as follows:

§M-117.4. Penalty for Violations.

(1) Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

H. Section M-109.1 is amended to include the following:

§M-109.1. General. The Code Enforcement Officer, under the direction of the Code Enforcement Officer provided for in §M-109.2 hereof, shall be designated the Code Official for the purposes of this Code. All references in this Code to the Code Official are a reference to the Code Enforcement Officer as an individual in the Code Enforcement Officer's department then assigned to the enforcement of this Code.

I. Section M-118.2 shall be deleted.

J. Section M-119.2 shall be deleted.

(Ord. 876, 10/21/1991, §2; as amended by A.O.

§5-703. State Laws and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 876, 10/21/1991, §3)

§5-704. Provision to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances.

(Ord. 876, 10/21/1991, §4)

PART 8

CABO ONE AND TWO FAMILY DWELLING CODE

§5-801. Adoption of Dwelling Code.

The Borough of Ambler hereby adopts for the purpose of establishing rules and regulations for the fabrication, erection, construction, reconstruction, enlargement, alteration, addition to, repair, location and use of detached one and two family dwellings, their appurtenances and accessory structures, the one and two family dwelling code known as the "CABO One and Two Family Dwelling Code, 1989 Edition," of which three copies have been and now are filed in the office of the Borough Secretary and the same are adopted and incorporated as if fully set out at length herein. From the date by which this Part shall take effect, the provisions thereof shall be controlling in the fabrication, erection, construction, reconstruction, enlargement, alteration, addition to, repair, location and use of detached one and two family dwellings, their appurtenances and accessory structures within the corporate limits of the Borough of Ambler.

(Ord. 877, 10/21/1991, §1)

§5-802. Amendment Made In Dwelling Code. The Dwelling Code hereby adopted is amended as follows:

A. Section R-104 is amended to read as follows:

> **§R-104. Authority.** This Code shall be administered by the Code Enforcement Officer appointed by the Borough Council pursuant to Ord. 872 adopted on even date herewith and such persons in his department as shall be assigned that function, including the Building Inspector. Such persons may be referred to as code officials or building officials.

B. Section R-106, last paragraph is amended to read as follows:

> **§R-106. Penalty.** Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 877, 10/21/1991, §2; as amended by A.O.

§5-803. State Laws and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 877, 10/21/1991, §3)

§5-804. Provisions to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provision of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(Ord. 877, 10/21/1991, §4)

PART 9

PENNSYLVANIA CONSTRUCTION CODE

§5-901. Adoption of Uniform Construction Code.

1. The Borough of Ambler hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 – 7210.1103, as amended, from time to time, and its regulations.

2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended, from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of this Borough, and this includes each of the various International Codes incorporated into the Code Act.

3. Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways, as determined by the Borough Council of this Borough, from time to time, by resolution:

   A. By the designation of an employee of the Borough to serve as the Municipal Code Official to act on behalf of the Borough;

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

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

   D. By entering into a contract with another Borough for the administration and enforcement of this Act on behalf of this Borough;

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

4. A Board of Appeals shall be established by resolution of the Borough Council of this Borough in conformity with the requirements of the relevant provisions of the Code, as amended, from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

5. Pre July 1, 1999, Ordinances or Portions of Ordinances.

   A. All building code ordinances or portions of ordinances which were adopted by this Borough on or before July 1, 1999, and which equal or exceed the re-

quirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended, from time to time. The following Sections, all of which constitute amendments to National Building Codes made by the Borough prior to July 1, 1999, shall be considered in excess of the requirements of the Code Act and are expressly reserved and shall remain in full force and effect; however, this list may not be exhaustive and any other provision which meets or exceeds the requirements of the Code and which was adopted by the Borough prior to July 1, 1999, shall also be considered as continuing in full force and effect:

(1) Ordinance 873, §2, regarding local changes made to the 1990 BOCA National Building Code;

(2) Ordinance 689 and Ordinance 711, requiring smoke detectors in all structures by a particular date;

(3) Ordinance 656, regulating electrical contractors doing work in the Borough;

(4) Ordinance 872, establishing procedures for permit issuance, appeals and related procedures, and duties of the Code Enforcement Officer;

(5) Ordinance 876, making certain administrative amendments to the BOCA Mechanical Code;

(6) Ordinance 877, amending CABO for One and Two Family Dwellings by making the Code Enforcement Official and the Building Inspector both responsible for enforcement;

(7) Ordinance 874, regarding fire prevention, making enforcement the duty of the Fire Marshall and Code Enforcement Officer, rather than the Fire Chief;

(8) Ordinance 875, making amendments to the BOCA Plumbing Code.

B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended with the comparable provisions of the Code.

C. All relevant ordinances, regulations and policies of this Borough not governed by the Code shall remain in full force and effect.

D. The Code Act permit certain Sections to be modified. The Borough hereby removes the following types of work/construction from the list of exemptions set forth in §§403.42 and 403.62 of the Act, and accordingly, a permit will still be required for the following;

(1) Commercial.

(a) Sidewalks and driveways not more than 30 inches above grade and that are not located over a basement or story below it and which are not part of an accessible route.

(b) Tiling, cabinets, counter-tops and similar finish work.

(c) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 as applicable in the "International Building Code" and Group U occupancies.

(d) Window replacement without structural change.

(e) Stopping leaks in a drain and a water, soil, waste or vent pipe.

(f) The removal and installation of water closet, lavatories and sinks if the valves or pipes are not replaced or rearranged.

(2) Residential.

(a) Sidewalks and driveways that are 30 inches or less above adjacent grade and not placed over a basement or story below it.

(b) Tiling, flooring, cabinets, counter-tops and similar finishing work.

(c) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

(d) Installation and replacement of a window, door, garage door, storm window and door in the same opening if the dimensions or the framing of the original opening are not altered. This installation of means of egress and emergency escape windows may be made in the same opening, without altering the dimensions or framing of the original opening if the required height, width or net clear opening of the previous window or door assembly is not reduced.

(e) Replacement of existing roofing material that does not exceed 25% of the total roof area performed within any 12 month period.

(f) Replacement of existing siding.

(g) Repair or replacement of any part of a porch or stoop which does not structurally support a roof located above the porch or stoop.

(h) Installation of an uncovered deck where the floor of the deck is no more than 30 inches above grade.

(i) Replacement of dishwashers.

(j) Replacement of kitchen hoods.

(k) Replacement of bib valves if the replacement hose valves are provided with an approved atmospheric vacuum breaker.

(l) Repair of leaks in a drain and a water, soil, waste or vent pipe.

(m) Replacement of traps.

(n) Replacement of water closet, lavatory or sink.

(o) Repair and replacement of heating, supply and return piping and radiation elements which do not require rearrangement of the piping system.

(p) Repair and replacement of duct work.

(q) Repair and replacement of air conditioning equipment and systems.

(r) Repair and replacement of control devices for heating and air conditioning equipment.

(s) Replacement of kitchen range hoods.

6. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution, from time to time.

7. This Part shall be effective five days after the date of passage of this Part.

8. If any Section, subsection, sentence or clause of this Part is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this part.

(Ord. 986, 6/21/2004)

CHAPTER 6

CONDUCT

PART 1

OPEN CONTAINERS

§6-101. Alcoholic Beverages; Open Containers
§6-102. Penalties

PART 2

CURFEW

§6-201. Definitions and Interpretations
§6-202. Curfew; Exceptions
§6-203. Parents Not to Permit Violation
§6-204. Procedure Upon Violation
§6-205. Penalties
§6-206. Procedure In Case of Repeated Violations or Other Factors Interfering With Enforcement
§6-207. Police Discretion in Age Determination

PART 3

DISORDERLY CONDUCT

§6-301. Disorderly Conduct Prohibited
§6-302. Penalty for Violation

PART 4

PROHIBITION OF THROWING OBJECTS IN STREET

§6-401. Prohibited Acts
§6-402. Penalties

PART 1

OPEN CONTAINERS

§6-101. Alcoholic Beverages; Open Containers.

It shall be unlawful for any person to drink, consume, transport, carry or posses any alcoholic beverage or malt brew, as defined by the Pennsylvania Liquor Code, except in the original package, with the seal unbroken, while in or upon the streets, highways, alleys, sidewalks, parks, public parking lots, or semi-public parking lots within 500 feet of Butler Avenue within the Borough of Ambler, Montgomery County, Pennsylvania. The term "semi-public parking lots" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, railroad, commercial establishment, office building or apartment building.

(Ord. 748, 12/21/1981, §1)

§6-102. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 748, 12/21/1981, §2; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 2

CURFEW

§6-201. Definitions and Interpretation.

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

   MINOR — person under the age of 18 years.

   PARENT — any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Part, "parent" shall mean one or both parents.

   PUBLIC PLACE — any public street, alley, sidewalk, park, playground, public building or vacant lot in the Borough.

   REMAIN — to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

2. In this Part, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-202. Curfew; Exceptions.

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Borough or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough, between the hours of 11:00 p.m. on Sunday through Thursday nights and 12:00 p.m. on Friday and Saturday nights and 5:00 a.m. on the following day. Exceptions to the above are the following:

A. Minor accompanied by parent, guardian or other person having legal care or custody of such minor.

B. Minor possessing a written statement dated that day and signed by parent, guardian or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.

C. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.

D. Minor on an emergency errand.

E. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection (B) above.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-203. Parents Not to Permit Violation.

It is hereby made unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Part without legal justification therefor.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-204. Procedure Upon Violation.

Any minor found upon the streets, alleys, parks or public places within the Borough in violation of §6-202 shall be taken into custody by the Borough police or legally deputized individual, be delivered to his parent(s), guardian or person having the legal custody of said minor and be given a copy of this Part. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of §6-202, said parent, guardian or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Part. Upon the third violation, said parent, guardian or person will be remanded to the district justice for disposition.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-205. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983; as amended by A.O.

§6-206. Procedure in Case of Repeated Violations or Other Factors Interfering With Enforcement.

Any minor who shall violate this Part more than three times may, at the discretion of the proper Borough officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of §6-202 of this Part 2 cannot be made effective by the imposition of fines and penalties.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-207. Police Discretion in Age Determination.

The police officers of the Borough in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

PART 3

DISORDERLY CONDUCT

§6-301. Disorderly Conduct Prohibited.

1. Disorderly conduct, as defined in §5503 of the Crimes Code, 18 Pa.C.S.A. §5503, is hereby prohibited within the Borough. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he:

   A. Engages in fighting or threatening or in violent or tumultuous behavior.

   B. Makes unreasonable noise.

2. Provided, as used in this Section, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.

(A.O.

§6-301. Penalty For Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(A.O.

PART 4

PROHIBITION OF THROWING OBJECTS IN STREETS

§6-401. Prohibited Acts.

The throwing, kicking or knocking of any glass container or piece of glass, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Borough of Ambler is hereby prohibited.

(Ord. 898, 3/31/1993, §1)

§6-402. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 898, 3/31/1993, §2; as amended by A.O.

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

PART 1

FIRE MARSHAL

§7-101. Office of Fire Marshal Created; Appointment; Tenure; Vacancy; Duties and Powers
§7-102. Interference with Fire Marshal Unlawful
§7-103. Penalties

PART 2

OPEN FIRES

§7-201. Fires Prohibited on Streets and Alleys

PART 3

SMOKE DETECTORS

§7-301. Smoke Detectors Required in Dwelling Units
§7-302. Alarm Requirements
§7-303. Time of Installation
§7-304. Penalties

PART 1

FIRE MARSHAL

§7-101. Office of Fire Marshal Created; Appointment; Tenure; Vacancy; Duties and Powers.

This office of Fire Marshal is hereby created in the Borough of Ambler. The first person to be appointed to said office shall be appointed by Borough Council as soon as practicable after the adoption of this Part and shall serve until the first Monday of January, 1962. Subsequent appointments shall be made by Borough Council on the first Monday of January of each even-numbered year, such appointees to serve until their respective successors have been duly appointed and qualified. Vacancies shall be filled in the same manner as the original appointment was made for the unexpired portion of the term. The duties and powers of the Fire Marshal shall be those delegated to the Enforcement Officer by the Borough Fire Prevention Code [Chapter 5].

(Ord. 458, 8//8/1960, §1; as amended by Ord. 785, 11/21/1983)

§7-102. Interference with Fire Marshal Unlawful.

No person shall in any way obstruct or prevent or attempt to obstruct or prevent the Fire Marshal in the discharge of his duties by denying or attempting to deny him access to any premises owned or occupied by such person or by failing or refusing to furnish correct information requested by him in the investigation into the cause origin or circumstances of any fire.

(Ord. 458, 8/8/1960, §6)

§7-103. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 458, 8/8/1960, §7; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 2

OPEN FIRES

§7-201. Fires Prohibited on Streets and Alleys.

No person or person shall set or maintain any fire upon any of the streets or public alleys in the Borough of Ambler. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 413, 3/11/1957; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 3

SMOKE DETECTORS

§7-301. Smoke Detectors Required in Dwelling Units.

In each dwelling unit or individual apartment within buildings used as a multiple dwelling, there shall be provided by the owner of the real estate, a minimum of one smoke detector sensing device, which has received Underwriters Laboratories approval.

(Ord. 689, 3/13/1978, §1)

§7-302. Alarm Requirements.

Said smoke detector sensing device shall provide an alarm suitable to warn occupants within individual dwelling units in the event of fire.

(Ord. 689, 3/13/1978, §2)

§7-303. Time of Installation.

The smoke detector sensing device shall be installed as above in all multiple dwellings immediately and shall be installed, by the owner, in all other buildings within the Borough not later than upon change of ownership of the real estate upon which the building is erected.

(Ord. 689, 3/13/1978, §3; as amended by Ord. 711, 6//18/1979, §1)

§7-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 689, 3/13/1978, §4; as amended by Ord. 711, 6/18/1979, §2; by Ord. 785, 11/21/1983; and by A.O.

CHAPTER 8

FLOODPLAINS

(Reserved to accommodate future enactments)

CHAPTER 9

GRADING AND EXCAVATING

(Reserved to accommodate future enactments)

CHAPTER 10

HEALTH AND SAFETY

PART 1

GRASS AND WEEDS

§10-101. Grass and Weeds to be Cut or Removed
§10-102. Duty of Owners and Occupants of Premises
§10-103. Notice by Borough; Authority for Borough to Cut or Remove Grass and Weeds and Collect Cost
§10-104. Penalty for Violations

PART 2

PRIVATE WELLS

§10-201. Drilling of Private Wells Restricted
§10-202. Notice of Location of Private Wells; Abandonment of Unlawful Wells; Certificate of Inspection
§10-203. Penalty for Violation

PART 3

STORAGE OF MACHINERY, EQUIPMENT AND/OR MATERIALS ON PRIVATE GROUNDS

§10-301. Definitions
§10-302. Health Hazards and Nuisances Prohibited
§10-303. Storage Requirements
§10-304. Inspection; Notice to Comply
§10-305. Authority to Remedy Noncompliance
§10-306. Hearing
§10-307. Penalties
§10-308. Remedies Not Mutually Exclusive

PART 4

STORAGE OF MOTOR VEHICLES OR PARTS THEREOF ON PRIVATE GROUNDS

§10-401. Definitions
§10-402. Motor Vehicle Nuisances Prohibited

§10-403. Storage of Antique Motor Vehicles or Parts Thereof
§10-404. Inspection; Notice to Comply
§10-405. Authority to Remedy Noncompliance
§10-406. Hearing
§10-407. Penalties
§10-408. Remedies Not Mutually Exclusive
§10-409. Exceptions

PART 5

EXCESSIVE NOISE

§10-501. Intent
§10-502. Prohibited Acts
§10-503. Maximum Permissible Continuous Sound Pressure Levels
§10-504. Noises Permitted
§10-505. Enforcement
§10-506. Penalties for Violation

PART 1

GRASS AND WEEDS

§10-101. Grass and Weeds to be Cut or Removed.

No person or persons, partnership, association, firm or corporation, owning or occupying any property in the Borough of Ambler, shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for a useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen.

(Ord. 414, 3/11/1957, §1)

§10-102. Duty of Owners and Occupants of Premises.

The owner of any premises, as to vacant premises and premises occupied by the owner, and the occupant thereof, as to premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of any of the provisions of §10-101 of this Part.

(Ord. 414, 3/11/1957, §2)

§10-103. Notice by Borough; Authority for Borough to Cut or Remove Grass and Weeds and Collect Cost.

The Borough Council, or any officer or employee of the Borough designated by the Council for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of the premises whereon grass, weeds or other vegetation is growing or remaining in violation of any of the provisions of §10-101 of this Part, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or other vegetation so as to conform to the requirements of this Part, within five days after issuance of such notice. In case any person or persons, association, partnership or corporation shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or other vegetation and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person or persons, partnership, association, firm or corporation, in the manner provided by law.

(Ord. 414, 3/11/1957, §3)

§10-104. Penalty for Violation.

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]

2. Further, provided, however, that where the owner or occupant has been given notice personally, or by certified mail, which notice shall set forth the time, place and nature of the violation, no prosecution shall be instituted for 48 hours after said notice and if during said 48 hour period the offender shall voluntarily enter a plea of guilty, abate the prohibited conditions and pay a fine of $10 to the Borough Secretary for the use of the Borough, no prosecution for such offense shall thereafter be brought.

(Ord. 414, 3/11/1957, §4; as amended by Ord. 651, 2/16/1976, §1; by Ord. 668, 5/16/1977; by Ord. 785, 11/21/1983; and by A.O.

PART 2

PRIVATE WELLS

§10-201. Drilling of Private Wells Restricted.

Effective immediately, no private wells shall be drilled within the corporate limits of the Borough of Ambler, other than wells used exclusively for the supplying of water for industrial or cooling purposes; provided, that prior to any such well being used, the owner shall procure, from the Borough Health Officer, a certificate of inspection, certifying that the water to be supplied from said private well is to be used exclusively for industrial or cooling purposes, and is so handled as not to be available for purposes of human consumption.

(Ord. 517, 10/11/1965, §1; as amended by Ord. 523, 4/11/1966, §1; and by A.O.

§10-202. Notice of Location of Private Wells; Abandonment of Unlawful Wells; Certificate of Inspection.

All owners of properties on which are located private wells shall, within 30 days of passage of this Part, notify the Borough Secretary as to the location of such private wells, in order that an inspection of said private wells may be made by the Borough Health Officer. In the case of any well not used exclusively for the supplying of water for industrial or cooling purposes, the Borough Health Officer shall arrange with such property owner the appropriate capping and discontinuance of user of said private well. In the case of any well used exclusively for the supplying of water for industrial or cooling purposes, the Borough Health Officer shall, as a condition of continued use of such well, issue a certificate of inspection, certifying that the water supplied from said private well is used exclusively for industrial or cooling purposes and is so handled as not to be available for purposes of human consumption.

(Ord. 517, 10/11/1965, §2)

§10-203. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 517, 10/11/1965, §3; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 3

STORAGE OF MACHINERY, EQUIPMENT AND/OR MATERIALS ON PRIVATE GROUNDS

§10-301. Definitions.

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

   LESSEE OR LICENSEE — the person using the land with the permission of the owner under a lease or license and who is responsible for the existence of the object or conditions causing the nuisance or danger on the land.

   NUISANCE — any condition, structure, object or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough.

   OWNER — the actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association or corporation.

   PERSON — a natural person, firm, partnership, association, corporation or other legal entity.

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 867, 7/15/1991, §1)

§10-302. Health Hazards and Nuisances Prohibited.

It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance or health hazard to residents of the Borough. Specifically, the unsheltered storage or maintenance of unused, stripped, damaged and generally unusable machinery or equipment or materials shall be considered a nuisance and/or health hazard if any of the following conditions exist:

A. Broken glass or metal parts with sharp or protruding edges.

B. Openings or areas which are conducive to the harboring and growth of vermin.

C. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt or fall from its original storage position.

D. Contains any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons.

E. Any other condition which, in the opinion of the inspecting official, shall be deemed to be a health hazard, potential health hazard or nuisance.

(Ord. 867, 7/15/1991, §2)

§10-303. Storage Requirements.

1. Storage of such items as listed in §10-302, hereof, on personal property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Borough ordinance or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-302 must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided, from time to time, by resolution of the Borough Council. The nuisance(s) must be stored within a garage or other enclosed building or outside within an opaqued fence at least six feet high which is locked at all times when unattended. With the special approval of the Borough Council nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition the machinery, equipment or materials shall be kept free of vermin infestation while being stored and all gas, oil or other potentially hazardous substances shall be removed.

2. Nothing herein shall be construed to permit the storage of machinery, equipment or material nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(Ord. 867, 7/15/1991, §3)

§10-304. Inspection; Notice to Comply.

1. The Enforcement Officer is hereby empowered to inspect grounds on which machinery, equipment and/or various materials are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the conditions as set forth therein within 10 days of mailing or posting of said notice and thereafter to full comply with the requirements of the notice within a reasonable time.

(Ord. 867, 7/15/1991, §4)

§10-305. Authority to Remedy Noncompliance.

If the owner, lessee or licensee of grounds on which machinery, equipment and/or materials are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions plus 10% of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 867, 7/15/1991, §5)

§10-306. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Board of Appeals; provided, he files with the Board of Appeals within 10 days after notice of the Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Appeals shall sustain, modify or overrule the action of the Enforcement Officer.

(Ord. 867, 7/15/1991, §6)

§10-307. Penalties.

Any person, firm or corporation who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 867, 7/15/1991, §7; as amended by A.O.

§10-308. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part or any remedy provided by law shall not be deemed mutually exclusive, rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

(Ord. 867, 7/15/1991, §8)

PART 4

STORAGE OF MOTOR VEHICLES OR PARTS THEREOF ON PRIVATE GROUNDS

§10-401. Definitions.

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

   LESSEE OR LICENSEE — the person using the land with the permission of the owner under a lease or license and who is responsible for the existence of the object or conditions causing the nuisance or danger on the land.

   MOTOR VEHICLE — any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public street or highways and including trailers or semi-trailers pulled thereby.

   NUISANCE — the maintaining of any motor vehicle or part thereof on private property which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough or is a prohibited physical defect enumerated in §10-402 of this Part.

   OWNER — the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

   PERSON — a natural person, firm, partnership, association, corporation or other legal entity.

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 866, 7/15/1992, §1)

§10-402. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or less within the Borough. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

A. Broken windshields, mirror or other glass, with sharp edges.

B. One or more flat or open tires or tubes which could permit vermin harborage.

C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.

D. Any body parts with sharp edges, including holes resulting from rust.

E. Missing tires resulting in unsafe suspension of the motor vehicle.

F. Upholstery which is torn or open which could permit animal and/or vermin harborage.

G. Broken headlamps or tail-lamps with sharp edges.

H. Disassembled chassis parts, apart from the motor vehicle, stored in a disorderly fashion or loose in or on the vehicle.

I. Protruding sharp objects from the chassis.

J. Broken vehicle frame suspended from the ground in an unstable manner.

K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.

L. Exposed battery containing acid.

M. Inoperable locking mechanism for doors or trunks.

N. Open or damaged floor boards, including trunk and firewall.

O. Damaged bumpers pulled away from the perimeter of vehicle.

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae.

S. Suspended or unstable supports.

T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough

(Ord. 866, 7/15/1991, §3)

§10-403. Storage of Antique Motor Vehicles or Parts Thereof.

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §10-402 above in connection with an antique motor vehicle being restored may store such vehicle(s) in the Borough only in strict compliance with the regulations provided

herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided, from time to time, by resolution of the Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within a opaqued fence at least six feet high which is locked at all times when unattended. With the special approval of the Borough Council motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence at least six feet high which, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept fee of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 200 square feet. All restored antique vehicles shall be treated the same as any other motor vehicle whose storage is not a violation of this Part. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(Ord. 866, 7/15/1991, §3)

§10-404. Inspection; Notice to Comply.

1. The Enforcement Officer is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

(Ord. 866, 7/15/1991, §4)

§10-405. Authority to Remedy Noncompliance.

If the owner, lessee or licensee of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 866, 7/15/1991, §5)

§10-406. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Board of Appeals; provided, he files with the Board of Appeals 10 days after notice of the Enforcement Officer's decision a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Appeals shall sustain, modify or overrule the action of the Enforcement Officer.

(Ord. 866, 7/15/1991, §6)

§10-407. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 866, 7/15/1991, §7; as amended by A.O.

§10-408. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part or any remedy provided by law shall not be deemed mutually exclusive, rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

(Ord. 866, 7/15/1991, §8)

§10-409. Exceptions.

There is specifically excepted from the operation of this Part any owner or person as defined in this Part who maintains a commercial enterprise that involves the storage on its premises of any motor vehicle awaiting repair or refurbishing; provided:

A. The commercial establishment is at the time of passage of this Section, in compliance with all ordinances and orders of administrative bodies of the Borough applicable to such operations.

B. The motor vehicle in storage has not been there for more than six months.

(Ord. 866, 7/15/1991; as added by Ord. 881, 11/19/1991, §1)

PART 5

EXCESSIVE NOISE

§10-501. Intent.

The Ambler Borough Council does hereby find and declare that at certain levels, noise is detrimental to the public health, comfort, convenience, safety and welfare of the citizens of the Borough. This Part is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of the Borough through the reduction, prohibition and regulation of noise. It is the intent hereof to establish and provide for sound levels that will eliminate unnecessary and excessive noise, reduce traffic and community noise and establish noise standards and sound levels that will promote a comfortable enjoyment of life, property and conduct of business and prevent sound levels which are physically harmful and detrimental to individuals and the community.

(Ord. 968, 12/16/2002)

§10-502. Prohibited Acts.

It shall be unlawful for any person to willfully make or continue or cause to be made or continued any unnecessary noise within the Borough as heard without measurement or as heard and measured in the manner prescribed elsewhere herein. Further, the following are specifically prohibited:

A. Radios, Televisions Sets, Phonographs and Similar Devices. It shall be unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement or as heard and measured in the manner described elsewhere herein. The operation of any such set, instrument, television, phonograph, machine or other device at any time in such a manner as to be plainly audible at either the property line or 25 feet in the case of a vehicle on public right-of-way, shall be prima facie evidence of a violation of this Section.

B. Exhausts, Mufflers. No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motor boat, motor vehicle or other power device except through a muffler or other noise-reducing device which is in good order and free of defects.

C. Bells and Chimes. Between the hours of 10:00 p.m. and 6:00 a.m., it shall be unlawful for any person to use, operate, cause or permit to be sounded any bell or chime or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school.

D. Quiet Zone. The creation of any unnecessary noise is prohibited within the vicinity of any school, institution of learning or church while the same are in use or session, which unreasonably interferes with the working of such institution, or within the vicinity of any hospital, nursing home or home for the aged, or which disturbs or unduly annoys patients in the hospital or residents in the nursing home or home for the aged; provided, conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, nursing home, home for the aged, church or court.

E. Truck Loading Operations. Between the hours of 10:00 p.m. and 6:00 a.m., the loading, unloading, opening or otherwise handling of boxes, crates, containers, garbage containers or other objects in such a manner as to cause a disturbance and the loading of any garbage, trash or compactor truck, or any other truck whereby the loading, unloading or handling of boxes, creates, equipment or other objects is conducted within a residential area.

F. Vehicle Repair or Testing. It shall be unlawful to repair, rebuild, modify or test any truck, automobile, motorcycle or other motor vehicle in such a manner as to cause a disturbance and such activities shall, in all cases, be subject to the maximum permissible sound pressure level for the district in which the source is located, as hereinafter set forth.

G. Machinery, Motors, Fans, Air Conditioners and Other Mechanical Equipment. It shall be unlawful to operate any machinery, equipment, pump, fan, air conditioning apparatus or similar mechanical device within the Borough in excess of the maximum permissible sound pressure level for the district in which the source is located, as hereinafter set forth.

H. Commercial Power Equipment. Between the hours of 10:00 p.m. and 6:00 a.m., no person shall operate on any property within a residential or business district(s) or on any public way within residential or business district(s) any power equipment rated more than five horsepower such as, but not limited to, chain saws, pavement breakers, lot chippers, riding tractors or powered hand tools. Construction equipment used for construction activities are regulated under subsection (J) of this Section and are therefore excluded from the restrictions of this subsection.

I. Domestic Power Equipment. Between the hours of 10:00 p.m. and 6:00 a.m., no person shall operate or permit to be operated on private property or on the public way within any residential or business district(s) any power equipment rated five horsepower or less and used for home or building repair or grounds maintenance. Such power equipment shall include, but not be limited to, lawnmowers, leaf blowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance.

J. Construction Activities. Between the hours of 9:00 p.m. and 6:00 a.m., no person shall operate or cause to be used or operated any equipment used in construction activities within any residential or business district. Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the period within which construction is to be completed pursuant to any applicable building permit.

K. Amplified Sound.

(1) Prohibitions.

(a) It shall unlawful for any person to operate a loudspeaker or sound amplifying equipment in a fixed or movable position or attached to or mounted upon any structure or motor vehicle, within the Borough, for the purpose of paging, giving instructions, directions, talks, addresses or lectures or for transmitting music or sound to any person or assemblages of persons except passengers within the vehicle or except when such loudspeaker or sound amplifying system does not project sound which is audible in any residential area or residential zone district; provided, however, that a temporary permit, as described elsewhere herein, may be applied for, for public events or specific activities such as, but not limited to, concerts, speeches, athletic events, parades or lectures held in public places or parks in the Borough.

(b) The provisions of this subsection shall not apply to public emergencies or authorized emergency vehicles when such authorized emergency vehicles are responding to an emergency call or when in pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from a fire alarm.

(c) The provisions of this subsection shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school so long as such sounds comply with the time limitations set forth elsewhere herein for such sound.

(2) Permit Information. An application for a permit shall be made to the Borough Manager and shall include the following information:

(a) The name, address and telephone number of both the owner and user of the sound amplifying equipment.

(b) The license number of the sound truck which is proposed to be used.

(c) The general description of the sound amplifying equipment which is to be used.

(d) Whether the sound amplifying equipment is proposed to be used for commercial or noncommercial purposes.

(e) The location, times and dates upon which, and/or the streets over which, the equipment is proposed to be operated.

(3) Permit Issuance.

(a) Conditions. Any permit granted by the Borough Manager shall contain all conditions upon which said permit has been authorized and shall specify the times, dates and locations that the permit shall be effective.

(b) Criteria. In deciding whether or not to issue a permit pursuant to this subsection (K), the Borough Manager shall consider:

1) The number of people who would benefit from the amplification as opposed to those who would be annoyed by it.

2) The proposed dates and hours of operation of the sound amplifying equipment and its anticipated adverse impacts.

3) Whether the sound amplifying equipment is proposed to be used for commercial or noncommercial purposes.

4) The proposed location(s) from which sound is proposed to be amplified and its proximity to schools, hospitals or residential areas.

5) Whether there are reasonably alternative times, places or manners in which or by which amplified messages or sounds can be communicated.

6) Whether the amplified sound can be controlled so that it will not be unreasonably loud, raucous, annoying, disturbing or a nuisance to the impacted neighborhood.

L. Vendors. It shall be unlawful for any person engaged in the sale of newspapers, magazines or other goods or merchandise to make any unnecessary noise, to obstruct any sidewalk or other public place, or to disturb or impede others.

M. Places of Public Entertainment. Operating or permitting to be operated any loudspeaker or other source of sound in any place of public entertainment

that exceeds those shown in the following Table at any point that is normally occupied by a person is prohibited:

Duration, Hours Per Day	Sound Pressure Level dB(A) Slow Response
8	90
6	92
4	95
3	97
2	100
1 1/2	102
1	105
1/2	110
1/4	115

(Ord. 968, 12/16/2002, §1)

§10-503. Maximum Permissible Continuous Sound Pressure Levels.

It shall be unlawful for any person to operate or permit to be operated any stationary, continuous source of noise in such a manner as to create a sound pressure level which exceeds the limits set forth in the following table more than 90% of any hour when measured at the property boundary or at any point within the property affected by the noise. When a noise source can be identified and its noise measured in more than one and use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

SOUND PRESSURE LEVEL LIMIT dB (A)

Use District Day 6:00 a.m. – 7:00 p.m.	Night 7:00 p.m. – 6:00 a.m.
Residential 55	50
Business 60	55
Industrial As set forth in Zoning Ordinance [Chapter 27]	As set forth in Zoning Ordinance [Chapter 27]

(Ord. 968, 12/16/2002, §2)

§10-504. Noises Permitted.

1. Emergencies. Noise created in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this Part. Fire and civil emergency sirens positioned in the Borough are likewise not subject to the provisions of this Part.

2. Undue Hardship.

   A. Permits. Applications for a permit for relief from the sound pressure levels designated in this Part on the basis of undue hardship may be made to the Borough Manager. Any permit granted by the Borough Manager hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Borough Manager, or his duly authorized representative, may grant the relief as applied for only if he finds:

      (1) Additional time is reasonably necessary for the applicant to alter or modify his activity or operation to comply with this Part.

      (2) The activity or operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this Part.

      (3) No other reasonable alternative is available to the applicant.

   B. The Borough Manager, or his duly authorized representative, may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

3. Public Events. Application for a permit to hold a public event which may violate the provisions of this Part shall be made to the Borough Manager. Such permit shall be valid only at the specified time and on the specific date noted in the permit.

4. Snow Removal Equipment. Snow removal equipment may be utilized for the purpose of timely snow removal following a snowfall and shall not be subject to the provisions of this Part.

5. Equipment Operation by Municipal Workers. Borough employees are exempt from the limitations on the use of equipment, when doing so in the course of their employment.

(Ord. 968, 12/16/2002, §3)

§10-505. Enforcement.

1. The Borough Manager, the Ambler Borough Police Department and any employee or outside agency designated for code enforcement shall have the power to enforce the provisions of this Part and are hereby given the power and authority to do so.

2. Whenever enforcement of this Part requires the measurement of sound or noise, it shall be measured with a sound-level meter which meets the standards of the American Standards Association. It shall be calibrated and kept in good working order. A check for calibration shall be made at the time of any noise measurement. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen will be used when necessary. The slow meter response of the sound-level meter shall be made at the property line of the property on which such noise is generated or perceived, five feet above the ground. In the case of an elevated or directional sound or noise source, compliance is to be maintained at any elevation at the boundary.

(Ord. 968, 12/16/2002, §4)

§10-506. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than $10 nor more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Ambler Borough reserves the right to seek a civil injunction of any violation of this Part, in addition to the penalties here provided.

(Ord. 968, 12/16/2002, §5; as amended by A.O.

CHAPTER 11

HOUSING

PART 1

HOUSE AND APARTMENT REGISTRATION

§11-101. Short Title
§11-102. Purpose
§11-103. Definitions
§11-104. Inspection and Access
§11-105. Penalties

PART 1

HOUSE AND APARTMENT REGISTRATION

§11-101. Short Title.

This Part shall be known as the "Ambler Borough House and Apartment Registration Ordinance."

(Ord. 652, 2/16/1976, §1)

§11-102. Purpose.

The purpose of this Part is to establish a registry of the houses, apartments and rooms within the Borough of Ambler to aid in the administration of the Borough affairs.

(Ord. 652, 2/16/1976, §2)

§11-103. Definitions.

1. The following terms, when used in this Part, shall have the meanings as hereinafter set forth:

   OWNER — any person, who alone, jointly or severally with others, holds legal or equitable title to premises upon which and in which there is quarters for the housing of one or more persons.

   PERSON — an individual, firm, partnership, association or occupation.

   REGISTRATION OF HOUSES, APARTMENTS AND ROOMS — every owner shall, between September 1st and October 1st of each year, register with the Borough, on forms provided by the Borough, all houses, other than those exclusively occupied by the owner and members of his immediate family, apartments and rooms situate within the Borough of Ambler as of September 1st of the year of registration.

   Provided, however, that with regard to rooms, registration shall be of those individuals who are not transient in nature and who occupy the rooms as permanent residents.

2. The fee for such registration is hereby set in an amount as established, from time to time, by resolution of Borough Council per registered dwelling. The fee will not be charged for any unit that is not actually rented or which is not for rent at the time of registration, although such units must still be registered. No fee shall be charged for a unit in which the registrant resides. [A.O.]

3. Within 30 days of any change of either the identity of a tenant or lessee or the name and address of any agent for the purpose of serving the owner will all notices as may be required pursuant to the provisions of the Borough Council or the ordinances of the Borough of Ambler.

   ROOM — a space included within the building occupied by one other than the owner or members of his immediate family.

(Ord. 652, 2/16/1976, §3; as amended by Ord. 935, 12/30/1997; as amended by A.O.

§11-104. Inspection and Access.

1. The Zoning Officer or his deputy is hereby authorized and directed to conduct inspections, from time to time, to determine where there has been compliance with the registration provisions of this Part; provided, however, that no such inspections shall be made without prior notice to the owner or occupants thereof and shall not without the consent of the occupants thereof be made other than during normal business hours.

2. For such purpose, and subject to the qualifications set forth herein, the Zoning Officer or deputy is authorized upon justification based upon reasonable belief of the existence of a violation to enter and examine any dwelling, yard or part of either, at any reasonable time and every owner, operator or occupant shall provide access thereto.

(Ord. 652, 2/16/1976, §4)

§11-105. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 652, 2/16/1976, §5; as amended by Ord. 785, 11/21/1983; and by A.O.

CHAPTER 12

LIBRARIES

(Reserved to accommodate future enactments)

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

PART 1

AMUSEMENT DEVICES

A. Coin Operated Amusement Devices and Juke Boxes

§13-101. License Required to Operate Coin-Operated Amusement Devices and Juke Boxes
§13-102. Application for License
§13-103. License Fee
§13-104. Inspection of Machines
§13-105. Exhibition of Licenses
§13-106. Suspension of Licenses
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B. Mechanical Amusement or Recreational Devices

§13-111. Definitions
§13-112. License Required
§13-113. Application for License
§13-114. Evidence of Insurance Required; Gambling Devices Prohibited
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PART 1

AMUSEMENT DEVICES

A. Coin-Operated Amusement Devices and Juke Boxes

§13-101. License Required to Operate Coin-Operated Amusement Devices and Juke Boxes.

From after the effective date of this Part, it shall be unlawful for any person or persons, firms or corporations, either as principal or agent (hereinafter called the operator) to have, keep and maintain for the purposes of operation or cause to be available for operation, or permit to be operated within his or their control anywhere within the Borough of Ambler, whether on public or private property, any pinball machine; amusement device which for purposes of this Part is defined as any electronic device, machine or apparatus for the playing of games, amusement or entertainment, whether operated manually or by coin, tokens, slugs, remote control, pins, pegs, balls, electric batteries or other electric current, but shall not apply to any machine or device which reproduces music, nor shall it apply to any machine or device which dispenses tangible personal property or coin machine playing phonographic records; juke box or any other coin machine played for amusement or entertainment if a fee is charged for the privilege of using such machine or game, without first having obtained a license therefor from the Secretary of the Borough of Ambler.

(Ord. 309, 6/14/1943, §1; as amended by Ord. 765, 9/20/1982, §1)

§13-102. Application for License.

The operator shall file an application for a license on forms available at the office of the Borough Secretary, on which said application operator shall set forth in detail the type and number of coin device or devices to be installed and the premises upon which the said coin device or devices are to be located, and any other information which may be required by the proper officers of this Borough.

(Ord. 309, 6/14/1943, §2)

§13-103. License Fee.

1. The amount of license fee shall be established, from time to time, by resolution of Borough Council.

2. The license fee herein provided for shall be paid to the Treasurer of the Borough of Ambler at the time the license is issued.

3. The license shall not be transferable from one owner or operator to another, and further, the operator shall not be required to obtain a new license when one machine or device is replaced by another, so long as the operator is licensed to operate a total number of machines or devices he may have under his control for the purpose of the operation.

(Ord. 309, 6/14/1943, §3; as amended by Ord. 741, 7/20/1981, §1; by Ord. 765, 9/20/1982, §2; and by Ord. 785, 11/21/1983)

§13-104. Inspection of Machines.

The Borough police, under the direction of the Mayor, shall make periodical inspections of machines so licensed.

(Ord. 309, 6/14/1943, §4)

§13-105. Exhibition of Licenses.

Licenses granted under this Part shall be exhibited at all times conspicuously in the place or establishment where such machines are kept or maintained.

(Ord. 309, 6/14/1943, §5)

§13-106. Suspension of Licensee.

If the Mayor is convinced that the operator is maintaining the licensed machines or his place of business in a manner to be detrimental to public health, safety or morals, he shall, after due hearing being afforded to the operator, of which said hearing the operator shall have at least 48 hours notice, suspend any license herein authorized, either temporarily or for the balance of the license year. Whenever such license shall be suspended for the balance of the license year, the unearned license fee shall be returned to the operator.

(Ord. 309, 6/14/1943, §6)

§13-107. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 309, 6/14/1943, §7; as amended by Ord. 741, 7/20/1981, §2; by Ord. 785, 11/21/1983; and by A.O.

B. Mechanical Amusement or Recreational Devices

§13-111. Definition.

The term "mechanical amusement or recreational device" as used in this Part shall mean and include any device upon which person may ride, either standing or sitting, whether the device or mechanism is self-propelled, moves in conjunction with a vehicle that is moving or upon a vehicle which is stationary, operating for use as a game, entertainment or amusement. Provided, the term "mechanical amusement or recreational device" shall not include any juke box or similar instrument or any device which is permanently stationary and is operated upon the insertion of a coin, slug or token, etc.

(Ord. 498, 5/13/1963, §1)

§13-112. License Required.

From and after the first day of May, 1963, no person may at any time have upon the streets, roads, alleyways or upon property within the Borough of Ambler, to which the public is invited, any mechanical amusement or recreational device, as provided for the terms of this Part, without such person having procured a license therefor from the Borough Secretary.

(Ord. 498, 5/13/1963, §2)

§13-113. Application for License.

Any person desiring to procure a license for a mechanical amusement or recreational device for use within the Borough of Ambler shall apply therefor in writing to the Borough Secretary, at least 10 days prior to the date of the intended use of said device. Such application shall set forth the name of the applicant, the address at which the person conducts his business, the hours during which such device is to be used, the number of persons who can use the device and a general description of the device.

(Ord. 498, 5/13/1963, §3; as amended by Ord. 610, 11/12/1973, §1)

§13-114. Evidence of Insurance Required; Gambling Devices Prohibited.

Any person desiring to procure a license for a mechanical amusement or recreational device shall file with his application as provided in §13-113 hereof, a certificate of insurance evidencing public liability and property damage protection in the minimum amounts of $500,000 for personal injury per person and up to $1,000,000 for personal

injury per occurrence, and property damage insurance in the amount of $75,000 per occurrence. Said insurance shall be in such form and endorsed in such a manner as to provide protection for the users of such device, and shall be approved by the Borough Solicitor. Nothing in this Part shall be in any way construed to authorize, license, or permit any gambling device whatsoever, or any machine or mechanism that has been judicially determined to be a gambling device, or in any way contrary to law or that may be contrary to any future law of the Commonwealth of Pennsylvania.

(Ord. 498, 5/13/1963, §4; as amended by Ord. 610, 11/12/1973, §2; and by Ord. 631, 7/8/1974, §1)

§13-115. Fee for License.

Upon filing of the application and the evidence of insurability, and after the same has been approved by the Borough Solicitor, a license shall be issued by the Borough Secretary upon the payment of a yearly license fee as established, from time to time, by resolution of Council, for every mechanical amusement and recreational device sought to be licensed. Provided, however, that a daily license may be issued upon the payment of a fee established by resolution, but in all other respects the requirements and provisions of this Part shall apply.

(Ord. 498, 5/13/1963, §5; as amended by Ord. 785, 11/21/1983)

§13-116. Renewal of License.

Prior to the expiration date of any license issued under this Part, the holder of such license shall apply to the Borough Secretary for a license for the following year. The same provisions shall govern the issuance of such license as are set forth in the preceding Sections of this Part.

(Ord. 498, 5/13/1963, §6)

§13-117. Inspections of Devices.

The Borough police, under the direction of the Mayor, shall make periodical inspections of mechanical amusement devices licensed under this Part.

(Ord. 498, 5/13/1963, §7)

§13-118. Exhibition of License.

Any license under this Part shall be exhibited at any time on request of the Mayor or any police officer of the Borough. The Mayor may revoke any license hereunder granted

when he deems such revocation to be necessary for the benefit or protection of the public health, safety or morals.

(Ord. 498, 5/13/1963, §8)

§13-119. Penalties.

Any person, firm or corporation who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 498, 5/13/1963, §9; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 2

HANDBILLS AND OTHER ADVERTISING MATTER

§13-201. Unlawful Means of Distributing Handbills and Other Advertising.

It shall be unlawful for any person, firm or corporation, to throw, cast, distribute, scatter, deposit or place, in or on any premises, porches, drives, sidewalks, in the yards of the residents, in any vehicle standing in the public streets of this Borough, any advertising handbills, circulars, booklets, posters, samples or devices, except that the same are personally delivered to those who are willing to accept the same.

(Ord. 297, 5//17/1940, §2)

§13-202. Exceptions.

Nothing herein contained shall apply to the distribution of the United States mail, nor the delivery of any newspaper to any subscriber therefor, or to any person who has requested the delivery of the same, nor to the sale of separate copies thereof.

(Ord. 297, 5/17/1940, §3)

§13-203. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 297, 5/17/1940, §4; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 3

POSTERS AND PLACARDS

§13-301. Permit Required to Place Posters, Placards or Signs Within Public Rights-of-Way.

It shall be unlawful to affix posters, stickers, placards or signs of any nature to any structures within the rights-of-way of public streets or highways or private alleys within the Borough of Ambler at any time without first obtaining a permit.

(Ord. 760, 5/17/1982, §1)

§13-302. Permit Deposit.

A permit to permit affixation of posters, stickers, placards or signs of any nature to any structures within the rights-of-way as aforesaid may be obtained upon application and the payment of a fee established, from time to time, by resolution of Council to the Borough of Ambler.

(Ord. 760, 5/17/1982, §2; as amended by Ord. 785, 11/21/1983)

§13-303. Removal of Posters and Signs Within 45 Days; Return or Forfeiture of Deposit.

Within not more than 45 days from the date of obtaining the permit, all posters, stickers, placards or signs affixed in accordance with the permit shall be removed by the permittee, at which time $140 shall be returned to the permittee. In the event of non-removal within such time, the entire permit fee shall be retained by the Borough of Ambler.

(Ord. 760, 5/17/1982, §3; as amended by Ord. 785, 11/21/1983)

§13-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 760, 5/17/1982, §4; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 4

USE OF FIRE ALARMS AND SECURITY DEVICES

§13-401. Shut-Off Timing Mechanism Required for Fire Alarm and Security Systems; Exceptions.

Any person, firm or corporation, as owner or lessee of real estate in the Borough of Ambler, who or which installs or causes to be installed any fire alarm or security alarm (hereinafter called alarm or device), must equip the said alarm with a timing mechanism that will disengage the audible alarm after a maximum of 15 minutes, except as provided in Subsection A and B of this Section. Audible alarms without such a timing mechanism shall be unlawful in the Borough of Ambler and must be disconnected by the user within 60 days from the effective date of this Part. The following shall be excepted from the provisions of this section:

A. Audible fire alarm systems provided for the accurate evacuation of occupants of industries, institutions and similar premises and security alarms for said premises.

B. Audible signals provided to indicate water flow in an automatic fire sprinkler system.

(Ord. 675, 8/15/1977, §1)

§13-402. Registration of System.

1. Within 90 days from the effective date of this Part, every person, corporation, institution or company who has or shall install a fire alarm or security device in the Borough of Ambler shall furnish to the Chief of Police of the Borough of Ambler a registration of such installation which shall include the following information:

   A. Name, address and telephone number of the user.

   B. The address where the device is installed and the telephone number of that address.

   C. Name, address and telephone number of any fire company or other emergency or security agency which is authorized to respond to an emergency and gain access to the address where the device is installed.

   D. Name, address and telephone number of alarm equipment supplier and the name, address and telephone number of any person other than the alarm equipment supplier who is responsible for the maintenance and repair of the device.

2. All information furnished pursuant to this Section shall be kept confidential and shall be for the use of the police and fire company only.

(Ord. 675, 8/15/1977, §2)

§13-403. Protection Against False Alarm.

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

(Ord. 675, 8/15/1977, §3)

§13-404. Maintenance.

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

(Ord. 675, 8/15/1977, §4)

§13-405. Responsibility of Equipment Supplier.

Each alarm equipment supplier who leases or sells an alarm device in the Borough after the effective date of this Part shall furnish operating instructions, a circuit diagram and maintenance manual to the user. Said instructions shall be stored at or immediately adjacent to the alarm box.

(Ord. 675, 8/15/1977, §5)

§13-406. Responsibilities of Equipment User.

1. Each alarm equipment user in the Borough shall arrange for a repair service to be available directly or through an agent on a 24 hour per day basis seven days a week to repair such a device or correct any malfunction that may occur.

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

(Ord. 675, 8/15/1977, §6)

§13-407. Police May Order Disconnection of System; Borough May Do Work and Collect Costs.

When alarms are transmitted evidencing failure to comply with the operational requirements set forth in the above paragraph are received by the Wissahickon Fire Company or Police Department and the Chief of Police concludes that the automatic protection device sending such alarm should be disconnected in order to relieve the police and fire company of the burden of responding to false alarms, he is authorized to demand that the user of the device or its representative, disconnect the device until it is made to comply with the operational requirements. If disconnection of the defective device is not accomplished promptly and the Chief of Police or Chief of Fire Company determines that the malfunctioning device is repeatedly sending false alarms without any intermittent valid alarms, they may then take any steps necessary to disconnect the defective device; any expense so incurred by the Borough shall be promptly reimbursed by the owner or lessee of the defective device.

(Ord. 675, 8/15/1977, §7)

§13-408. Fees.

User shall pay such connection and annual fees as the Borough shall set by resolution, from time-to-time. The Borough may set permit fees and adopt regulations to implement this Part, from time-to-time.

(Ord. 675, 8/15/1977, §8)

§13-409. Right of Entry; Inspection of System.

For the purpose of enforcing this Part, it shall be a condition to installing and maintaining the installation of an alarm, that the Building Inspector, Chief of Police or Fire Marshall of the Borough of Ambler may enter upon a user's premises within the Borough at such reasonable times upon reasonable notice to conduct inspections of said devices. User shall cooperate with such officials in every reasonable manner to permit such inspections.

(Ord. 675, 8/15/1977, §9)

§13-410. Penalties.

1. Any person, firm or corporation found guilty of misuse, continual accidental activation or equipment malfunction or false activation of an alarm or device shall, upon conviction thereof, be sentenced to pay a fine of not less than $25 nor more than $1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part con-

tinues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. During a period of 30 days after installation of a new alarm or device, the owner thereof shall be permitted five false activations without penalty. Further, after said period an additional three false activations shall be permitted, recognizing the possibility of human error and other unforeseen circumstances.

3. Thereafter, it shall be the duty of the police officer to report to the Chief of Police all violations and to deliver to the owner of the property involved a notice thereof. The notice shall contain instructions that if the owner will report to the Chief of Police and pay the sum of $25 within 48 hours after the time of notice, that act will save the violator from prosecution and from payment of the fine and costs described in Subsection 1 of this Section. In the event of a second similar offense, the violator shall be given the same option upon the payment of $50 and the third violation upon the payment of $100. Thereafter, subsequent violations shall be prosecuted in accordance with Subsection 1.

(Ord. 675, 8/15/1977, §10; as amended by Ord. 785, 11/21/1983; by Ord. 816, 2/17/1986; and by A.O.

PART 5

VENDORS AND SOLICITORS

§5-501. Definitions.

As used in this Part the following words have the meaning indicated:

CANVASSER — a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or distributing a handbill or flyer advertising a noncommercial event or service.

HAWKER or PEDDLER — a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor."

SOLICITOR — a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or distributing a handbill or flyer advertising a commercial event or service.

(Ord. 981, 12/15/2003, §2)

§5-502. Registration Required for Hawkers, Peddlers and Solicitors, Available for Canvassers.

No person shall act as a hawker, peddler or as a solicitor within the Borough without first registering with the Borough Manager in accordance with this Part. A canvasser is not required to register, but any canvasser may do so for the purpose of reassuring Borough residents of the canvasser's good faith.

(Ord. 981, 12/15/2003, §2-1)

§5-503. Fees.

This Part does not set fees for registration. Fees shall be as adopted and revised, from time to time, by Borough Council in its annual fee resolution. Where a canvasser voluntarily elects to register, but is not required by this Part to do so, there is no filing fee for the registration.

(Ord. 981, 12/15/2003, §2-2)

§5-504. Contents of Registration.

Any person or organization required to register under this Part shall provide the following information:

A. The name, physical description and photograph of each person required to register. In lieu of this information, a driver's license, State identification card, passport or other government issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken.

B. The permanent and (if any) local address of the organization or business to be represented by a hawker, peddler, solicitor or canvasser.

C. The permanent and (if any) local address of each person acting as a hawker, peddler, solicitor or canvasser.

D. A brief description of the proposed activity related to this registration. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).

E. The motor vehicle make, model, year, color, vehicle identification number and State license plate number of any vehicle which will be used by each person.

F. If registering as a hawker or peddler:

(1) The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).

(2) A copy of the principal's sales tax license issued by the Commonwealth, if applicable.

G. The web address for this organization, person or group (or other address) where residents having subsequent questions can go for more information.

(Ord. 981, 12/15/2003, §2-3)

§5-505. No Visit List.

The Borough Clerk shall maintain a list of persons within the Borough who restrict visits to their residential property (including their leasehold, in the case of a tenant) by hawkers, peddlers, solicitors and canvassers. A copy of the no visit list shall be provided to each hawker, peddler, solicitor or canvasser. It shall be the responsibility of all canvassers to obtain a copy of the current no visit list.

(Ord. 981, 12/15/2003, §2-4)

§5-506. Distribution of Handbills and Commercial Flyers.

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

A. No handbill or flyer shall be left at, or attached to, any sign, utility pole or other structure within the public right-of-way.

B. No handbill or flyer shall be left at, or attached to, any privately owned property in a manner that causes damage to such privately owned property.

C. No handbill or flyer shall be left at, or attached to, any of the property listed on the Borough "No Visit List," or having a "No Solicitor" sign of the type described herein.

D. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the police. This is for the purpose of knowing the likely identity of the perpetrator if the Borough received a complaint of damage caused to private property during the distribution of handbills or flyers.

(Ord. 981, 12/15/2003, §2-5)

§5-507. General Prohibitions.

1. No peddler, solicitor or canvasser shall:

A. Enter upon any private property where the property is clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one square foot in size and may contain words such as "No Soliciting" or "No Solicitors" and which is clearly visible to the peddler, solicitor or canvasser.

B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "No Soliciting" or "No Solicitors" and which is clearly visible to the peddler, solicitor or canvasser.

C. Enter upon any private property where the current occupant has posted the property on the Borough's "No Visit List" (except where the posting form indicates the occupant has given permission for this type of visit), regardless of whether a front yard sign is posted.

D. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

E. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.

F. Canvass, solicit or peddle between the hours of 9:00 p.m. and 7:00 a.m.

2. It shall be an affirmative defense to any violation of this Section that the peddler, solicitor or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

(Ord. 981, 12/15/2003, §2-6)

§5-508. Exceptions.

This Part shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

(Ord. 981, 12/15/2003, §2-7)

§5-509. Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than $300 nor more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 981, 12/15/2003, §2-8; as amended by A.O.

PART 6

EATING AND DRINKING SALES; LICENSES

§13-601. License Required.

It shall be unlawful for any proprietor or street vendor to conduct and operate a public eating or drinking place or stand without first having obtained a license for doing so from the Board of Health. The fee for this license shall be in an amount as established, from time to time, by resolution of Borough Council payable to the Borough of Ambler and said license shall be renewed annually. Upon the original application for a license, and also on any renewal, inspection of the premises, facilities and equipment shall be made by the Board of Health or its representative. If found adequate for the protection of public health and comfort, the license shall be issued or renewed, otherwise a license shall be refused.

(Ord. 777, 6/20/1983, §1; as amended by A.O.

§13-602. Adoption by Reference of Department of Environmental Protection Regulations.

The rules and regulations of the Pennsylvania Department of Environmental Protection of the Commonwealth of Pennsylvania, as found in 25 Pa.Code, Chapter 151.1, et seq., as from time to time amended, are hereby adopted by reference as the rules of the Board of Health of the Borough of Ambler.

(Ord. 777, 6/20/1983, §2; as amended by A.O.

§13-603. Inspections of Licensee.

An inspection testing may be made by the Board of Health, or its representatives, of public eating and drinking places at any time in its discretion. In any event, such inspection and tests shall be made on any original application for a license and at least two weeks before the expiration of any license granted. This test shall include an inspection of general sanitary conditions and bacteriological tests of cooking equipment, plates, knives, forks, spoons, cups and glasses and all other utensils used in the preparation and serving of unwrapped or unpackaged foods, foodstuffs or drink intended for consumption by the public.

(Ord. 777, 6/20/1983, §3)

§13-604. Correction of Unsatisfactory Conditions.

If unsatisfactory conditions are backed by bacteriological tests showing unsatisfactory conditions, then the Board of Health, or its representative, shall recommend immediate improvements or changes as may be required in order to correct such unsatisfactory conditions and it shall be the duty of the licensee to immediately correct such conditions as recommended.

(Ord. 777, 6/20/1983)

§13-605. Noninterference with Inspectors.

Each licensee shall permit the inspection and bacteriological tests to be made at any time without prior announcement or notice. If such inspection and tests are not permitted by the licensee, or if, after the recommendations for improvement are made they are not corrected within a period of two weeks, the license shall be revoked and shall no longer be of any force and affect.

(Ord. 777, 6/20/1983, §5)

§13-606. Effective Date/Existing Licenses.

This Part and the fees provided for herein shall take effect immediately as to all new licenses or renewal licenses. Existing licenses shall continue until the end of the current year.

(Ord. 777, 6/20/1983, §6)

§13-607. Penalty.

Any person, firm or corporation who does not comply with any order or regulations of the Board of Health, or its representatives, or who shall resist or interfere with any officer or agent thereof in the performance of his duties shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 777, 6/20/1983, §7; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 7

ANNUAL REGISTRATION

§13-701. Registration and Penalty.

1. Any person, corporation, firm or entity who are conducting any type of activity in the Borough of Ambler in which a means of value is exchanged for this performance or activity, must register by January 30 of each year on forms provided by the Borough of Ambler.

2. Any person, firm or corporation failing to file this form shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days and may have any other permits issued by the Borough of Ambler revoked. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 924, 12/30/1996)

PART 8

OUTDOOR VENDING MACHINES

§13-801. Definitions.

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

> VENDING MACHINE — any machine that dispenses any good or commodity, generally but not necessarily in exchange for money inserted into the machine. Newspapers are not within the scope of this definition and are not regulated by this Part. Machines that distribute food or beverages are permitted when they comply with the other terms of this Part. Machines that dispense anything other than food or beverages are prohibited entirely. For the remainder of this Part, "vending machine" is a reference to a machine dispensing food or beverages. This Part regulates vending machines located outside of the walls of the principal building on a lot and it does not regulate indoor vending machines.

(Ord. 1056, 5/18/2011)

§13-802. Amusement Tax Inapplicable.

For purposes of this Part, vending machines are not to be considered amusement devices and are not subject to any state or local tax upon coin-operated amusement devices.

(Ord. 1056, 5/18/2011)

§13-803. Permissible Zoning Districts.

Vending machines are permitted in any zoning district which allows the sale of merchandise as a by-right use. Vending machines are prohibited in all residential zoning districts and in any nonresidential zoning district that does not allow the sale of merchandise as a by-right use. Existing vending machines may remain where they are currently positioned but, upon the obsolescence or removal of the machine, any new vending machine must be in compliance with this Part.

(Ord. 1056, 5/18/2011)

§13-804. Setback.

Vending machines must have a setback of 100 feet measured from the front of the machine to the closest curbline.

(Ord. 1056, 5/18/2011)

§13-805. Appearance.

Vending machines must be kept in generally good repair. Internal illumination shall remain covered by the plastic or other material that is a part of the outer shell of the machine (no bare or exposed bulbs). Machines shall be properly grounded and pose no threat of shock or similar injury. Machines shall be positioned on a flat, firm surface and shall be level. Machines shall not have any interior lighting or exterior lighting added to them beyond the lighting that is a part of their original construction. Machines shall not incorporate any video screen or audio recording for purposes of advertising the machine, the products it dispenses, or any other products. Only one machine is permitted per tax parcel except that, in the case of a business operating on more than one contiguous tax parcel, only one machine is permitted for that business.

(Ord. 1056, 5/18/2011)

§13-806. Permit Required.

An annual permit for the installation of a vending machine shall be obtained from the Borough Code Officer and the annual fee for such permit shall be paid at that time. Initially such fee is set at $25 per year.

(Ord. 1056, 5/18/2011)

§113-807. Penalty.

A machine placed in violation of this Part subjects the owner or tenant, as applicable, to a fine of $300, enforceable by the Code Officer as a summary offense.

(Ord. 1056, 5/18/2011)

CHAPTER 14

MOBILE HOMES AND MOBILE HOME PARKS

PART 1

TRAILERS REGULATED

§14-101. Definition
§14-102. Parking, Locating or Standing of Trailers Regulated
§14-103. Restrictions on Occupying Trailers, Storing and Parking Thereon on Private Property
§14-104. Penalties

PART 1

TRAILERS REGULATED

§14-101. Definition.

For purposes of this Part, a trailer shall be defined as any vehicle with or without motor power designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that its weight does not rest upon the towing vehicle.

(Ord. 460, 9/12/1960, §1; as amended by Ord. 606, 10/8/1973, §1; by Ord. 967, 12/16/2002, §1; and by Ord. 967, 12/16/2002, §1)

§14-102. Parking, Locating or Standing of Trailers Regulated.

It shall be unlawful to park any type of trailer, whether self-propelled or not, whether attached to a towing vehicle or not, upon any street within the Borough; however, temporary parking of a trailer connected to a motor vehicle shall be lawful for purposes of delivering merchandise or for the purpose of rendering other services, including landscaping services and including emergency road repair services. The term "temporary parking" shall not include overnight parking.

(Ord. 460, 9/12/1960, §2; as amended by Ord. 606, 10/8/1973, §2; by Ord. 967, 12/16/2002, §2; and by Ord. 967, 12/16/2002, §2)

§14-103. Restrictions on Occupying Trailers, Storing and Parking Thereof on Private Property.

No person shall occupy any trailer in the Borough of Ambler for sleeping or living purposes, unless such trailer conforms to and complies with all plumbing, electrical, sanitary and building ordinances of the Borough applicable to stationary dwellings. Provided, however, the parking or storing of no more than one unoccupied trailer in a private garage or in a rear yard, shall be permitted, on condition that no person uses such trailer for living or sleeping purposes while such trailer is so parked or stored.

(Ord. 460, 9/12/1960, §5)

§14-104. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 460, 9/12/1960, §6; as amended by Ord. 785, 11/21/1983; and by A.O.

CHAPTER 15

MOTOR VEHICLES AND TRAFFIC

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PART 1

GENERAL REGULATIONS

§15-101. Definitions and Interpretation.

1. Words and phrases, when used in this Chapter, except for Sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in The Vehicle Code, the Act of June 17, 1976, P.L. 162 No. 81, as amended, except that in this Chapter the word "street" may be used interchangeably with the word "highway," and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

2. The term "legal holidays" as used in this Chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

3. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

4. Although the streets in the Borough run generally in a northeast-southwest and a northwest-southeast direction, for the purpose of this Chapter, Main Street and the street running parallel or generally parallel to Main Street shall be deemed to run in a north-south direction, and Butler Avenue and the streets parallel or generally parallel to Butler Avenue shall be deemed to run in an east-west direction.

(Ord. 991, 8/15/2005)

§15-102. Manner of Adopting Permanent Traffic and Parking Regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this Chapter, except where the law specifically authorizes less formal action.

(Ord. 991, 8/15/2005)

§15-103. 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 those 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.

(Ord. 991, 8/15/2005)

§15-104. Temporary and Emergency Regulations.

1. The [Designated Official] shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

   A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and,

   B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall 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 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 more than $25 together with costs of prosecution.

(Ord. 991, 8/15/2005)

§15-105. Experimental Regulations.

The Borough Council may, from time to time by resolution, designate places upon and along the highways in the Borough where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision 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 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 more than $25 together with costs of prosecution; provided, the purpose of this Section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

(Ord. 991, 8/15/2005)

§15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

1. The Borough Council shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

2. The Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-107. Use of Streets for Certain Assemblages and Public Events.

1. Activity Regulated. It is the intent and purpose of this Section to regulate any gathering of persons that will, or potentially will, impede pedestrian or vehicular traffic on the sidewalks and roadways of the Borough including, but not necessarily limited to, parades, processions, marches, strikes and demonstrations. This Section does not apply to funeral caravans or military convoys. In determining whether a particular event requires a permit, the determining factor shall be not just the number of persons anticipated to attend/participate, but also the likelihood that pedestrian or vehicular traffic will be impeded or present a risk of injury to those participating in the event. This Section is in addition to, and not in place of, all such general police power as is granted by law, including the right of the Mayor to declare an emergency and limit public gatherings. Notwithstanding the grant of a permit, event participants may not conduct themselves in a manner that constitutes a violation of any law, including disorderly conduct, obstruction of justice or riot.

2. Issuance of Permit. The person or entity organizing or conducting the gathering must make application to the Chief of Police at least one week prior to the event on a form available at Borough Hall; where a State highway is affected, application shall be three weeks in advance. Where the event is of a type involving the total closure of a road, application must be made 60 days in advance, to allow the Chief of Police to have the matter voted upon by Ambler Borough Council. The permit shall be issued by the Chief without a fee and shall state the place and times when the event shall take place. As a condition precedent to the grant of a permit, the person or entity organizing the event must execute a "hold harmless"

document in favor of the Borough, on a form supplied by the Borough. The Chief of Police, in his discretion, may deny the issuance of a permit when in his best judgment the proposed event is of such magnitude as to make it impossible to adequately provide for the continuing safe passage of vehicular and pedestrian traffic in the Borough, or, when a permit has already been granted to another applicant for the same date.

3. Violations. It shall be a violation of this Section to hold or participate in any event requiring a permit without first obtaining a permit as provided herein. It shall be a violation of this Section to hold or participate in an event at a place or for a duration other than as provided in the permit. In the event that an assemblage is conducted in accordance with any order of the Court of Common Pleas of Montgomery County, as for example, in the event of a strike or related labor activity, then in the event of any inconsistency between the terms of this Section and the order of court, the order of court shall be controlling. The penalty for violating this Section shall be not less than $50 and not more than $300, plus costs.

(Ord. 991, 8/15/2005)

§15-108. Authority of Police Officers.

The police officers of the Borough are hereby authorized to direct traffic on the highways of the Borough and at intersections thereof and to otherwise enforce the provisions of this Chapter.

(Ord. 991, 8/15/2005)

§15-109. Authorization for Use of Speed Timing Devices.

1. The Borough Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with Title 75, Pa. C.S.A. §3368.

2. This Section authorizes the use of said devices upon all highways within the Borough be they Borough, County or State highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa. C.S.A. §6101 et seq., (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 991, 8/15/2005)

PART 2

TRAFFIC REGULATIONS

§15-201. Maximum Speed Limits Established on Certain Streets.

1. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

Street	Between	Maximum Speed Limit
All streets		25 mph
Forest Avenue	School hours	15 mph
Hendricks Street	School hours	15 mph
Madison Avenue	School hours	15 mph
Poplar Street	School hours	15 mph
Rosemary Avenue	School hours	15 mph

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 991, 8/15/2005)

§15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures.

1. Maximum speed limits are established, as follows, on certain bridges and elevated structures, and it shall be unlawful for any person to drive a vehicle on any such bridge or elevated structure, at a higher speed than the maximum prescribed for that bridge or elevated structure:

Bridge or Elevated Structure	Location	Maximum Speed Limit
	None	

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 991, 8/15/2005)

§15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades.

1. The following are declared to be hazardous grades, and, upon any such hazardous grade, no person shall drive a vehicle, having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this Section for that grade, and, if so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

Street	Between	Direction of Travel	Maximum Gross Weight	Maximum Speed Limit	Required to Stop Before Proceeding Downhill
None					

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 991, 8/15/2005)

§15-204. Maximum Speed Limits Established in Parks.

1. A speed limit of 15 miles per hour is established on all streets and roadways in the public parks maintained and operated by the Borough, except in the following locations, where the lower maximums, as specified, shall apply:

Park	Street	Location	Maximum Speed Limit
None			

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 991, 8/15/2005)

§15-205. Traffic Signals at Certain Locations.

1. At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

Location	Type of Signal
Butler Avenue and Bethlehem Pike	
Butler Avenue and Lindenwold Avenue	
Butler Avenue and Main Street	
Butler Avenue and Ridge Avenue	
Butler Avenue and Spring Garden Street	
Tennis Avenue and Bethlehem Pike	

2. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-206. Intersections Where Turn Prohibited on Red Signal.

1. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection	Vehicles Traveling On	Facing
	None	

2. Any driver of a vehicle who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-207. One-Way Streets Established.

1. The following are established as one-way streets, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Street	From	To	Direction of Travel
Borough Parking Lot No. 2	Butler Avenue	Metered portion of lot	East
Center Street	Chestnut Street	Locust Street	West
Church Street	Trinity Avenue	S. Main Street	Southwest
Forest Avenue (6:00 a.m. to 2:00 p.m. Sundays only)	North Ridge Avenue	Bethlehem Pike	East
Heckler Street	Rosemont Avenue	Hendricks Street	Southwest
Lemon Street	Rosemary Avenue	Trinity Avenue	West
Main Street	E. Mt. Pleasant Avenue	Tennis Avenue	South
Main Street (N)	Tennis Avenue	Reiff's Mill Road	Southeast
Maple Street (S)	Butler Avenue	Wissahickon Avenue	South
North Street	Woodland Avenue	Lindenwold Avenue	East
Orange Street	Rosemary Avenue	S. Main Street	Southwest
Poplar Street	York Street	Lindenwold Avenue	East
Southern Avenue	Park Avenue	S. Spring Garden Avenue	West
Walnut Street	N. Main Street	N. Ridge Avenue	East
Water Street	Rosemary Avenue	Mattison Avenue	South
West Race Street	Railroad right-of-way	North Main Street	East
Wissahickon Avenue	Maple Street	Chestnut Street	West
Woodland Avenue	Butler Avenue	Bethlehem Pike	South
York Street	Butler Avenue	Poplar Street	South

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005; as amended by Ord. 1058, 7/19/2011)

§15-208. Turning at Certain Intersections Prohibited or Restricted.

1. It shall be unlawful for the driver of any vehicle, of the type indicated, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this Section:

Vehicles Traveling On	Direction of Travel	Not to Make Turn	Into	When	Type of Vehicle Applicable To
Butler Avenue	East	Left	North Ridge	Anytime	Trucks
Butler Avenue	West	Right	North Ridge	Anytime	Trucks

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-209. Right Turns Only Permitted at Certain Intersections.

1. It shall be unlawful for the driver of any vehicle, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make other than a right turn, at any time stated, both left turns and straight-across traffic being prohibited:

Vehicles Traveling On	Direction of Travel	Times	Not To Make Left Turn Into or Travel Straight Across
None			

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-210. U-Turns Prohibited at Certain Locations.

1. It shall be unlawful for the driver of any vehicle, traveling upon any of the following portions of streets, in the direction or directions indicated for that street, to make a U-turn:

Street	Portion	Direction of Travel
Butler Avenue	Between Locust Street and Bethlehem Pike	Both

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-211. No-Passing Zones Established.

1. The following are established as no-passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no-passing zone:

Street	Direction of Travel	Between
All Streets		

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-212. Through Highways Established.

1. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this Section shall stop the vehicle or yield right-of-way as required by §3323(b) or 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that Section of the law:

Highway	Between
None	

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-213. Stop Intersections Established.

1. The following intersections (in addition to intersections with the through highways established by §15-212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic 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 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 §3323(b) of the Vehicle Code and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that Section of the law.

Stop Street	Intersection or Through Street	Direction of Travel
Anderson Lane	Tennis Avenue	South
Artman	Overlook Road	West
Beechmont	Candy Lane	West
Beechmont	Overlook Road	East and west
Belmont Avenue	Glen Mawr	East
Belmont Avenue	Hendricks Street	North and south
Belmont Avenue	N. Main Street	West
Belmont Avenue	Ridge Avenue (N)	Northeast and southwest
Borough Lot No. 1	Poplar Street	South
Borough Lot No. 2	Lindenwold Avenue	East
Candy Lane	E. Mt. Pleasant Avenue	North
Candy Lane	Walker Road	South
Cavalier Drive	Borough Lot No. 1	South
Cherry Lane	Tennis Avenue	South
Chestnut Street	Butler Avenue	Northwest
Chestnut Street	Center Street	North and south
Chestnut Street	Wissahickon Avenue	North
Chestnut Street	Wissahickon Avenue	South
Church Street	Ambler Road and Bannockburn Avenue	Northeast
Church Street	Bannockburn Avenue	Southwest
Church Street	Bethlehem Pike	East
Church Street (3-way)	Highland Avenue	Northeast and southwest
Church Street	Main Street (S)	Southwest
Church Street	Railroad tracks	West and East
Church Street	Railroad tracks	East
Church Street	Trinity Avenue	Southwest
Cove	Edgewood Drive	South
Daniel Road	Mt. Pleasant Avenue	South
E. Mt. Pleasant Avenue (4-way)	Hendricks Avenue	East and west
E. Mt. Pleasant Avenue	N. Spring Garden Street	East and west
Edgewood Drive	Bethlehem Pike	East
Edgewood Drive	Hendricks Street	East
Edgewood Drive	Hendricks Street	Southwest
Euclid Avenue	Bethlehem Pike	East
Euclid Avenue (4-way)	North Street	East and west

Stop Street	Intersection or Through Street	Direction of Travel
Euclid Avenue	Park Avenue	North and south
Fairview Avenue	Bethlehem Pike	East
Forest Avenue	Hendricks Street	East and west
Fairview Avenue	Hendricks Street	West
Forest Avenue	Bethlehem Pike	East
Forest Avenue (3-way)	Glen Mawr Drive	East and west
Forest Avenue	Main Street (N)	West
Forest Avenue	Ridge Avenue	Northeast and southwest
Forest Avenue (4-way)	Spring Garden Street (N)	Northeast and southwest
Fulling Mill Road	Tennis Avenue	East
Glen Mawr	Forest Avenue	South
Glen Mawr	Valleybrook Drive	North
Greenwood Avenue	Lindenwold Avenue	Northeast
Greenwood Avenue	Mattison Avenue	Southwest
Grist Mill Road	Hendricks Street	Northeast
Haywood Road	Cherry Lane	East
Haywood Road	Tennis Avenue	South
Heckler	Rosemont Avenue	West
Hendricks Street	Belmont Avenue	East and west
Hendricks Street	Butler Avenue	Southeast
Hendricks Street	Forest Avenue	Northwest and southeast
Hendricks Street (4-way)	E. Mt. Pleasant Avenue	Northwest and southeast
Hendricks Street	Tennis Avenue	North and south
Hendricks Street (3-way)	Valleybrook Road	Northwest and southeast
Hendricks Street	Walker Road	Northwest and southeast
Highland Avenue (3-way)	Church Street	East
Highland Avenue	Park Avenue	East and west
Highland Avenue	Spring Garden Street (S)	West
Lemon	Trinity Avenue	West
Lindenwold Avenue (3-way)	North Street	East and west
Lindenwold Avenue	Park Avenue	East and west
Lindenwold Avenue	Race Street	North
Locust Street (S)	Butler Avenue	Northwest
Locust Street (3-way)	Wissahickon Avenue	North and south
Main Street (S)	Bannockburn Avenue	Northwest
Main Street (3-way)	Forest Avenue	North and south
Main Street	Orange Avenue	North and south

Stop Street	Intersection or Through Street	Direction of Travel
Main Street	Poplar Street	North and south
Main Street (N)	Reiff's Mill Road	Southeast
Maple Avenue	Butler Avenue	Northwest and southeast
Maple Street	Wissahickon Avenue	South
Mattison Avenue	Bethlehem Pike	East
Mattison Avenue (4-way)	North Street	East and west
Mattison Avenue	Park Avenue	East and west
Mattison Avenue	Poplar Street	West
N. Main Street	Tennis Avenue	South
N. Spring Garden Street	E. Mt. Pleasant Avenue	North and south
North Street (4-way)	Euclid Avenue	North and south
North Street	Highland Avenue	South
North Street (3-way)	Lindenwold Avenue	North
North Street	Mattison Avenue	North and south
North Street	Rosemary Avenue	North and south
North Street	Trinity Avenue	North and south
North Street	Woodland Avenue	North
Orange Avenue (3-way)	Main Street (S)	Southwest
Overlook Road	E. Mt. Pleasant Avenue	North
Overlook Road	Walker Road	South
Park Avenue	E. Butler Avenue	North
Park Avenue	Highland Avenue	North and south
Park Avenue	Lindenwold Avenue	North and south
Park Avenue	Mattison Avenue	North and south
Park Avenue (4-way)	Rosemary Avenue	North and south
Park Avenue	Spring Garden Street (S)	West
Park Avenue	Trinity Avenue	North and south
Poplar Street	Lindenwold Avenue	Northeast
Poplar Street (3-way)	Main Street (S)	West
Poplar Street	Mattison Avenue	Northeast
Poplar Street	Ridge Avenue (S)	Southwest
Poplar Street	Rosemary Avenue	Southwest
Race Street	E. Butler Avenue	South
Race Street	Main Street	Northeast and southwest
Race Street	Ridge Avenue	Northeast and southwest
Race Street (3-way)	Spring Garden Street (N)	Northeast and southwest
Reiff's Mill Road	Main Street (N)	South

Stop Street	Intersection or Through Street	Direction of Travel
Reiff's Mill Road	E. Mt. Pleasant Avenue	Northeast
Reiff's Mill Road (3-way)	Ridge Avenue (N)	North and south
Reiff's Mill Road	Tennis Avenue	North and south
Ridge Avenue	Belmont Avenue	North and south
Ridge Avenue	Forest Avenue	North and south
Ridge Avenue (N)	E. Mt. Pleasant Avenue	Northwest
Ridge Avenue	Poplar Street	Southeast
Ridge Avenue	Race Street	Northwest and southeast
Ridge Avenue (3-way)	Reiff's Mill Road	Southeast
Ridge Avenue	Tennis Avenue	North
Rosemary Avenue	Church Street	Southeast
Rosemary Avenue (3-way)	Orange Avenue	East and west
Rosemary Avenue (4-way)	Park Avenue	East and west
Rosemary Avenue	Water Street	East and west
Rosemont Avenue	Fairview Avenue	North
S. Main Street	Bannockburn Avenue	South
School Street	Forest Avenue	North
School Street	Race Street	Southeast
Septa Lot	South Main	East
Southern Avenue	Church Street	East
Southern Avenue	Park Avenue	West
Southern Avenue	Spring Garden Street (S)	West
Spring Garden Street (S)	Bannockburn Avenue	Southeast
Spring Garden Street (N)	Belmont Avenue	North
Spring Garden Street (4-way)	Forest Avenue	Northwest and southeast
Spring Garden Street	Orange Avenue	Northwest and southeast
Spring Garden Street	Poplar Street	Southeast
Spring Garden Street (3-way)	Race Street	Northeast and southwest
Spring Garden Street	Rosemary Avenue	Northwest
Tennis Avenue (4-way)	Hendricks Street	East and west
Tennis Avenue	Main Street (N)	Northeast
Tennis Avenue (3-way)	Reiff's Mill Road	East and west
Trinity Avenue (4-way)	North Street	East and west
Trinity Avenue	Orange Avenue	Northwest
Trinity Avenue	Park Street	East and west
Valleybrook Drive	Bethlehem Pike	East
Valleybrook Road (3-way)	Hendricks Street	Southwest

Stop Street	Intersection or Through Street	Direction of Travel
Walker Road	Haywood Road	East
Walker Road (3-way)	Hendricks Street	Southwest
Walnut Lane	Forest Avenue	East
Walnut Lane	Forest Avenue	North and east
Walnut Lane	School Street	West
Walnut Street	N. Ridge Avenue	North
Walnut Street	Spring Garden Street (N)	Northeast and southwest
Water Street	Rosemary Avenue	South
Wissahickon Avenue	Chestnut Street	Northeast and southwest
Wissahickon Avenue (3-way)	Locust Street	West
Woodland Avenue	Bethlehem Pike	East
Woodland Avenue	North Street	East
Woodland Avenue	Poplar Street	South
York Street		

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005; as amended by Ord. 1015-2, 2/19/2008; by Ord. 1041, 7/21/2009; and by Ord. 1058, 7/19/2011)

§15-214. Yield Intersections Established.

1. The following intersections (in addition to intersections with the through highways established by §15-212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by §3323(c) of the Vehicle Code and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
	None	

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-215. Operation of Motor Vehicles Restricted on Public Lands.

1. No motor vehicle, including a motorcycle, pedalcycle or minibike, shall be operated on any property owned by the Borough or any other public agency or instrumentality within the Borough without the permission of the property owner and a permit from the designated official of the Borough. Specifically motor vehicle operation is restricted in Ambler Borough Park, Pickering Field, Riccardi Park and Knights Playground.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-216. Rotary Traffic Islands Established.

1. The following locations are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

Location
None

2. Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this Section and, upon conviction, shall be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-217. Play Highways Established and Authorized.

1. The following areas upon the streets in the Borough are established as play highways:

Street	Between	Days	Hours
None			

2. The designated official is authorized to designate as play highways, whenever he deems that action advisable, and for whatever period of time directed by him, any part of any street in the Borough where sledding and coasting, shall be permitted. That play highway shall be set apart for the purpose under the direction of the designated official.

3. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency,

with special permission of the designated official or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-218. Snowmobile Roads Designated.

1. The following roads and streets within the Borough are designated as special snowmobile roads:

Street or Road	Between	Used by Snowmobiles Only When Closed to Vehicular Traffic	Shared With Vehicular Traffic
None			

2. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the Borough other than as provided above, provided that nothing in this Section shall prohibit any person from operating a snowmobile on any other street in the Borough:

   A. As authorized by §7721 of the Vehicle Code for emergency and bridge crossings and for direct crossing of streets or two-lane highways; or

   B. For special snowmobile events where authorized in advance and the street is blocked off as provided in §7723 of the Vehicle Code.

3. Any person who violates any provision of this Section shall be subject to the penalties prescribed in §7752(a) of the Vehicle Code.

(Ord. 991, 8/15/2005)

§15-219. Motor Vehicles Not to be Driven on Sidewalks.

No person shall drive any vehicle, except a human-powered vehicle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay of fine of $25 together with costs of prosecution.

(Ord. 991, 8/15/2005)

§15-220. Crosswalks, Traffic Lanes and Safety Zones.

The Public Safety Committee is hereby authorized to establish and designate, and shall thereafter maintain, or cause to be maintained, by appropriate lines, devices or marks upon the surface of the roadway:

A. Lanes for traffic at such places as it may deem advisable, consistent with the provisions of this Chapter, and crosswalks at such intersections and elsewhere where there is particular danger to pedestrians.

B. Safety zones of such character and at such places as may be deemed necessary for the protection of pedestrians.

(Ord. 991, 8/15/2005)

§15-221. Turns Restricted at Certain Intersections at Certain Times.

1. At the following intersections, vehicles approaching the second-named street upon the first-named street are prohibited from turning in the indicated direction during the hours listed:

Vehicles On	Direction of Travel	Cross Street	Restricted Turn	Hours in Effect
Glen Mawr Drive	South	Forest Avenue	Left	6:00 a.m. — 2:00 p.m.
Glen Mawr Drive	West	Forest Avenue	Right	Sunday 8:00 a.m. to 2:00 p.m.
Hendricks Street	North	Forest Avenue	Right	6:00 a.m. — 2:00 p.m.
Hendricks Street	South	Forest Avenue	Left	6:00 a.m. — 2:00 p.m.
Hendricks Street	West	Forest Avenue	Right	Sunday 8:00 a.m. to 2:00 p.m.
Ridge Avenue	North	Forest Avenue	Right	6:00 a.m. — 2:00 p.m.
Ridge Avenue	South	Forest Avenue	Left	6:00 a.m. — 2:00 p.m.
Ridge Avenue	West	Forest Avenue	Right	Sunday 8:00 a.m. to 2:00 p.m.
School Street	North	Forest Avenue	Right	6:00 a.m. — 2:00 p.m.
School Street	West	Forest Avenue	Right	Sunday 8:00 a.m. to 2:00 p.m.
Spring Garden Street	West	Forest Avenue	Right	Sunday 8:00 a.m. to 2:00 p.m.

2. Any driver of a vehicle who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of $25 together with costs of prosecution.

(Ord. 991, 8/15/2005)

PART 3

RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD

§15-301. Vehicle Weight Limits Established on Certain Streets and Bridges.

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Maximum Gross Weight
E. Mt. Pleasant Avenue	Bethlehem Pike and N. Spring Garden Street	15 tons/30,000 lbs.

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of $150 plus $150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

(Ord. 991, 8/15/2005)

§15-302. Restrictions on Size of Vehicles on Certain Streets and Bridges.

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
None		

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of $75 and costs.

(Ord. 991, 8/15/2005)

§15-303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges.

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by §4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street.

Street or Bridge	Between	Restrictions
	None	

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(b) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of not less than $25 and not more than $100 and costs.

(Ord. 991, 8/15/2005)

§15-304. Truck Traffic Restricted on Certain Streets.

1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street	Between
Bannockburn Avenue	S. Main Street and Church Street
N. Ridge Avenue	E. Butler Avenue and E. Race Street
N. Ridge Avenue	Butler Avenue and Race Street
Reiff's Mill Road	E. Mt. Pleasant Avenue and N. Spring Garden St.

Provided, nothing in this Section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

2. Trucks shall be prohibited from turning from the first named street, in the direction indicated onto the second named street, as herein designated:

From	Turn Direction	Onto
Mattison Avenue	Right	Poplar Street
South Ridge Avenue	Left	Poplar Street
Poplar Street	Right	South Ridge Avenue
Poplar Street	Left	Mattison Avenue

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-305. Maximum Gross Weight and Dimensional Limits Established for Parking Within the Borough.

Except for emergency repairs, it shall be unlawful to park any vehicle with a gross weight in excess of 9,000 pounds or above a Class 3 registration upon any of the highways, streets and alleys of the Borough of Ambler, and this includes overnight parking. Further, except for emergency repairs, it shall be unlawful to park any vehicle on a Borough street when the vehicle has dimensions exceeding 18 feet long by eight feet wide, measured at the longest/widest points of the vehicle. In no case shall a vehicle of any width be parked on a street if it reduces the through traffic lane to less than 11 feet. In addition no vehicle shall be parked upon any street that creates a safety hazard, as determined by the Police Department. These requirements are in addition to, and not in lieu of, any other dimensional or other restrictions imposed upon parked vehicles, including any prohibition on the parking of trailers or mobile homes.

(Ord. 991, 8/15/2005; as amended by Ord. 1036, 3/17/2009)

PART 4

GENERAL PARKING REGULATIONS

§15-401. Vehicles to be Parked Within Marked Spaces/Parking Prohibited in Certain Marked Areas.

1. Wherever a particular parking space shall be lined or marked off on any street or alley or upon the adjacent curb, every vehicle parked shall be parked within the lines marking such parking space. All vehicles parked on streets or alleys, whether parking spaces are marked or not, shall be parked only in the direction of the permitted traffic flow.

2. Parking shall be prohibited at all times by any vehicle which in any way will block the intersection of any street or alley or the entrance or exit of any street or alley. Parking shall at all times be prohibited within the painted line area adjacent to any fire hydrant, within the painted line area marking the permissible distance to park from any intersection, in any area where erected signs or painted lines indicate a "No Parking" area, in any manner so as to block any private or public driveway or access way to a parking lot or parking facility or other facility of the Borough of Ambler.

(Ord. 991, 8/15/2005)

§15-402. Parking Prohibited at All Times in Certain Locations.

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Bannockburn Avenue	Northwest	Main Street and Church Street
Bannockburn Avenue	North	S. Spring Garden Street and alley at rear of S. Main Street
Belmont Avenue	East	Main Street and Glen Mawr Drive
Butler Avenue	North	Centerline of Bethlehem Pike and a point 145 feet west of that centerline
Butler Avenue	North	Rosemont Avenue curblines and points 43 feet east and west thereof
Butler Avenue	Southwest	West curbline of Bethlehem Pike and a point 290 feet west
Butler Avenue	South	South Maple Street at Locust Street
Butler Avenue	North	Western Borough line and West Street
Butler Avenue	South	Western Borough line and Main Street
Butler Avenue	North	Main Street and Hendricks Street, except for metered parking in cutouts

Street	Side	Between
Butler Avenue	South	Main Street to Woodland Avenue, except for metered parking in cutouts
Center Street	Northwest	Locust Street and Chestnut Street
Chestnut Street	West	Wissahickon Avenue and Center Street
Chestnut Street	Southwest	Butler Avenue and dead end
E. Mt. Pleasant Avenue	South	Centerline of Hendricks Street and a point 363 feet south
E. Mt. Pleasant Avenue	South	N. Spring Garden Street to railroad right-of-way
E. Mt. Pleasant Avenue	South	N. Spring Garden Street to railroad right-of-way
E. Mt. Pleasant Avenue	Northwest	From centerline Reiff's Mill Road to railroad crossing south
E. Mt. Pleasant Avenue	South	Thirty-five feet east, 35 feet west, intersection with St. George Avenue (temporary name)
E. Mt. Pleasant Avenue	North	Reiff's Mill Road and North Spring Garden Street
E. Mt. Pleasant Avenue	Northwest	Centerline of Hendricks Street and a point 363 feet south
Edgewood Drive	Southeast	Bethlehem Pike and a point 240 feet from Bethlehem Pike
Fairview Avenue	Northwest	Hendricks Street and Bethlehem Pike
Forest Avenue	Southeast	Main Street and Hendricks Street
Forest Avenue	North	Hendricks Street and a point 262 feet south
Glen Mawr Drive	West	Entire Length
Heckler Street	Northwest	Hendricks Street and Rosemont Avenue
Hendricks Street	Southwest	Tennis Avenue and Forest Avenue
Hendricks Street	Both	Butler Avenue and Forest Avenue
Highland Avenue	North	Park Avenue and Church Street
Lemon Street	Both	Rosemary Avenue and Trinity Avenue
Locust Street	West	Butler Avenue and western terminus of Locust Street
Main Street	Southwest	Tennis Avenue and southeast Borough line
Main Street	Southwest	E. Mt. Pleasant Avenue and drive-way of railroad property
Main Street	Northeast	Orange Street and Butler Avenue
Main Street	Northeast	Butler Avenue and Kirk Alley, 138 feet southwest of Butler Avenue
Maple Avenue	Southeast	Butler Avenue and Wissahickon Avenue
Maple Avenue	Southeast	North Borough line and Butler Avenue
Mt. Pleasant Avenue	South	Hendricks Street and Bethlehem Pike
North Ridge Avenue	Northeast	Belmont Avenue curbline and a point 23 feet north
North Street	East	Lindenwold Avenue and Mattison Avenue
North Street	West	Between signs in front of Zion Baptist church
North Ridge Avenue	West	Southeast a distance of 260 feet from Tennis Avenue
Poplar Street	Northwest	S. Main Street and S. Spring Garden Street (except that parking is permitted from 6:00 a.m. to 2:00 p.m. Sundays

Street	Side	Between
Poplar Street	Southeast	Ridge Avenue and Rosemary Avenue
Poplar Street	Northwest	Lindenwold Avenue and exit from municipal parking lot, except Saturdays between 5:00 p.m. to 8:00 p.m.
Poplar Street	Southeast	A point 140 feet northeast of York Street and a point 152 feet northeast of that point
Race Street	Northwest	Ainsworth Street and School Street (except that parking is permitted from 6:00 a.m. to 2:00 p.m. Sundays)
Race Street	Both	Ridge Avenue and Ainsworth Street
Race Street	Southeast	School Street and Main Street
Reiff's Mill Road	Northeast	N. Main Street and Tennis Avenue
Reiff's Mill Road	West	N. Main Street and Tennis Avenue
Reiff's Mill Road	East	North Ridge Avenue and intersection with North Spring Garden Street and Tennis Avenue
Reiff's Mill Road	East	Tennis Avenue and a point 73 feet south
Ridge Avenue	Northeast	Tennis Avenue and Poplar Street (except that parking is permitted for not more than 15 minutes from Butler Avenue to Poplar Street
Rosemary Avenue	South	Water Street and Park Avenue
Rosemary Avenue	Southwest	Poplar Street and a point 30 feet east of Poplar Street
Rosemont Avenue	East	In front of the Church of the Brethren as posted
South Maple Street	West	From West Butler Avenue to Wissahickon Avenue
South Main Street	East and West	Poplar Street and Orange Avenue
South Ridge Avenue	East	East Butler Avenue to Poplar Street
Spring Garden Street	Southwest	Belmont Avenue and Poplar Street
Tennis Avenue	South	Reiff's Mill Road and a point 137 feet east
Tennis Avenue	South	Spring Garden Street and N. Main Street
Tennis Avenue	Northwest	Spring Garden Street and Bethlehem Pike
Walnut Street	Southeast	Main Street and Ridge Avenue
Water Street	Northwest	Mattison Avenue and Rosemary Avenue
Wissahickon Avenue	Southeast	Maple Street and Locust Street
York Street	Southwest	Poplar Street and Butler Avenue

(Ord. 991, 8/15/2005; as amended by Ord. 1050, 10/19/2010)

§15-403. Parking Prohibited in Certain Locations and Certain Days and Hours.

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this Section, as follows:

Street	Side	Between	Days	Hours
N. Main Street	Southwest	Reiff's Mill Road and Tennis Avenue	Every day	6:00 p.m. to 8:00 a.m.
Poplar Street	Northwest	Municipal parking lot and Rosemary Avenue	School days	School hours
Poplar Street	Southeast	A point 26 feet from stop sign at Lindenwold to a point 154 feet from first point	Monday through Friday	8:00 a.m. to 5:00 p.m.
Reiff's Mill Road	West	North Ridge Avenue and intersection of N. Spring Garden and Tennis Avenue	Monday through Saturday except holidays	8:00 a.m. to 5:00 p.m.

(Ord. 991, 8/15/2005)

§15-404. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations.

It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets, any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind):

Street	Between
None	

(Ord. 991, 8/15/2005)

§15-405. Parking Time Limited in Certain Locations Certain Days and Hours.

In the following locations, it shall be unlawful to park any vehicle or allow the same to be parked, for more than the indicated length of time, between the listed hours:

Street	Side	Between	Days	Hours	Hours
Forest Avenue	Northwest	Spring Garden Street and Main Street	Everyday	All times	2
Main Street	Southwest	Point 154 feet southeast of Butler Avenue and a point 31 feet further southeast thereof, as posted	Everyday	All times	10 minutes
S. Chestnut Street	East	Wissahickon Avenue and W. Butler Avenue	Everyday	8:00 a.m. to 6:00 p.m.	2
Poplar Street	Northwest	Ridge Avenue and Main Street	Everyday	All times	2

Street	Side	Between	Days	Hours	Hours
Poplar Street	Southeast	Point 26 feet from the stop sign at Lindenwold to a point 154 feet from first point, as posted	Everyday	All times	10 minutes
Rosemary Avenue	Both	Poplar Street and Orange Avenue	Monday through Friday except holidays	8:00 a.m. to 6:00 p.m.	2
Rosemont Avenue	East	East Butler Avenue, Heckler alley	Everyday	All times	10 minutes
Spring Garden Street	Southeast	Belmont Avenue and Race Street	Everyday	All times	2
Walnut Street	Northwest	Ridge Avenue and Main Street	Everyday	All times	2

(Ord. 991, 8/15/2005)

§15-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked, in any such zone, except as specifically provided for that zone:

Street	Side	Location	Authorized Purpose or Vehicle
Butler Avenue		North of intersection with Lindenwold Avenue	Bus stop
Butler Avenue	South	North of intersection with Main Street	Bus stop
Butler Avenue	South	North of intersection with Ridge Avenue	Bus stop
Butler Avenue	South	North of Spring Garden Street	Bus stop
Butler Avenue	North	South of intersection with Lindenwold Avenue	Bus stop
Butler Avenue	North	South of intersection with Ridge Avenue	Bus stop
Butler Avenue	North	South of intersection with Spring Garden Street	Bus stop
Main Street	West	Southeast of intersection of Butler Avenue	Bus stop
Butler Avenue	North	East of intersection with Lindenwold Avenue	Bus stop
Butler Avenue	North	East of intersection with N. Ridge Avenue	Bus stop
Butler Avenue	North	East of intersection with N. Spring Garden Street	Bus stop
Butler Avenue	North	East of intersection with N. Main Street	Bus stop

Street	Side	Location	Authorized Purpose or Vehicle
Butler Avenue	South	West of intersection with Lindenwold Avenue	Bus stop
Butler Avenue	South	West of intersection with S. Ridge Avenue	Bus stop
Butler Avenue	South	West of intersection with S. Spring Garden Street	Bus stop
Butler Avenue	South	West of intersection with S. Main Street	Bus stop
Butler Avenue	South	East of intersection with S. Ridge Avenue to York Street	Passenger loading/unloading zone
N. Main Street	West	S.W. intersection with Butler Avenue	Bus stop
Lindenwold Avenue	East	Intersection with Bethlehem Pk.	Bus stop
Lindenwold Avenue	East	Intersection with Park Avenue	Bus stop
Lindenwold Avenue	East	Intersection with Butler Avenue	Bus stop
Lindenwold Avenue	West	Intersection with Park Avenue	Bus stop
Lindenwold Avenue	West	Intersection with Bethlehem Pk.	Bus stop

(Ord. 991, 8/15/2005)

§15-407. Standing or Parking on Roadway for Loading or Unloading.

The loading and unloading of goods, wares and merchandise is hereby restricted to such length of time as is absolutely necessary for the purpose of loading or unloading of such goods, wares and merchandise. For the purpose of enforcement of this Section, such loading or unloading of any vehicle shall not be considered as parking; provided, without having first obtained permission from the Chief of Police to do so, no person shall load or unload a vehicle from any place upon any street or alley in the Borough of Ambler where parking is prohibited, or shall allow a vehicle to remain, for loading or unloading, in any place upon any street or alley where parking is limited as to time, for longer than the time for which parking is permitted, or shall load or unload upon any street or alley in such a way that one lane for vehicular traffic shall not be kept open at all times. Where such permission is granted by the Chief of Police, he may, at his discretion, block off the portion of the street or alley affected by such loading or unloading.

(Ord. 991, 8/15/2005)

§15-408. Angle Parking Required on Portions of Certain Streets.

1. Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
Race Street	South	Lindenwold Avenue and School Street

2. On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

(Ord. 991, 8/15/2005)

§15-409. Residential Permit Parking.

1. Findings and Purpose. The Borough finds that:

   A. Certain residential areas in the Borough are subjected to commuter vehicle parking, therefore, depriving the residents of those areas of spaces in which to park their own vehicles;

   B. Those residential streets are also subjected to a high degree of commuter traffic which substantially reduces the quality of the ambient air level; and,

   C. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week. Therefore, the Borough considers it to be in the interest of the people of the Borough to provide for the establishment of a residential permit parking program to insure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.

2. Definitions. For the purpose of this Section, words and terms listed in this subsection, as follows, shall have the following meanings:

   COMMUTER VEHICLE — a motor vehicle parked in a residential area by a person not a resident of that residential area;

   PROPRIETOR — a person who owns or leases real estate within a residential area of which he is not a resident, but who owns or manages a business enterprise or professional office maintained at that address; for the purpose of this Section, a proprietor shall be entitled to one parking permit for that business or professional office address;

   RESIDENT — a person who owns or leases real property within a residential area and who maintains either a voting residence, or bona fide occupancy, or both, at that address;

   RESIDENTIAL AREA — a contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and non-

business property (such as schools, parks, places of worship, hospitals and nursing homes).

3. Criteria. The residential areas designated in Subsection 4 of this Section are those deemed impacted and hence eligible for residential parking on the basis of the following criteria:

   A. During any period between the hours of 7:00 a.m. and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet.

   B. During the same period as specified in Subsection A, directly above, 10% or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Bureau of Motor Vehicles and Licensing of the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

      Provided, in determining that a specific area identified as impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:

      (1) The local and metropolitan needs with respect to clean air and environment;

      (2) The possibility of a reduction in total vehicle miles driven in the Borough;

      (3) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards;

      (4) The proximity of public transportation to the residential area;

      (5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it; and,

      (6) The need for parking in excess of the residential permit parking program in proximity to establishments located in the residential permit parking area and used by the general public for religious, health or educational purposes.

4. Designation of Residential Permit Parking Areas. The following are designated as residential permit parking areas:

Area	Bounded By And Including
None	

Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.

5. Application for Permit. Application for a residential parking permit shall be made to the Chief of Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee, set pursuant to a resolution of the Borough Council, which shall be for the use of the Borough, to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Chief of Police, the applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.

6. Issuance of Permit. Upon receipt of the application and the permit fee, and determination by him that the information upon the application shows that the applicant is entitled to a residential parking permit, the Chief of Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number, and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this Section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.

7. Temporary and Exemption Parking Permits. Temporary parking permits may be issued by the Chief of Police, upon payment of a fee established pursuant to a resolution, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.

8. Responsibility of Permit Holder.

   A. Notwithstanding any provision of this Section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While

a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.

B. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.

C. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this Section by the permit holder and by the person who so used or displayed the parking permit.

D. It shall constitute a violation of this Section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in an application to the Chief of Police in order to obtain a residential parking permit.

(1) Revocation of Permits. The Chief of Police shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this Section. Upon written notification to him of the revocation, the permit holder shall surrender the permit to the Chief of Police. Failure to do so, when so requested, shall constitute a violation of this Section. Provided: any person receiving such a notice may, within 10 days after the date of the notice, appeal to the Borough Council for a hearing on the revocation, and the decision of the Borough Council shall be final.

(Ord. 991, 8/15/2005)

§15-410. Penalties.

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than $15 and costs. Provided: it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the appropriate official all violations of any provision of this Part, indicating, in each case: the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice

shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of $_____within_____hours after the time of the notice, or if he will place the sum of $_____enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

(Ord. 991, 8/15/2005)

§15-411. Parking Without Lights Authorized.

The boundary limits of the Borough of Ambler are hereby established as a zone in which motor vehicles may remain standing without lights and all highways within such boundary limits are hereby designated as highways where motor vehicles may remain standing without lights.

(Ord. 991, 8/15/2005)

§15-412. Trailer Parking Restricted.

The parking of any motor vehicle, tractor or trailer, or combination thereof, upon streets and highways of the Borough for repairs, whether upon the traveled or untraveled portion thereof, shall be temporary only and limited to times for emergency repairs. This Section shall not be construed to permit parking for repairs at locations where parking is otherwise prohibited.

(Ord. 991, 8/15/2005)

§15-413. Special Provisions Where Parking Ticket Issued.

In all cases where a Police Officer of the Borough shall first give notice of a violation of any of the provisions of this Part, by either handing to the offending driver or affixing to the vehicle in question at ticket, on which is noted the time and place and nature of the offense charged, no prosecution shall be instituted for 48 hours thereafter and if during such 48 hour period the offender shall voluntarily appear at the office of the Borough Secretary, no prosecution for such offense shall thereafter be brought.

(Ord. 991, 8/15/2005)

§15-414. Parking Prohibited on Certain Streets at Certain Times for Street Cleaning.

1. For purposes of street cleaning, the parking, standing or stopping of any vehicle is prohibited on the following streets at the times designated:

A. Mondays from 8:00 a.m. to 12:00 p.m., prevailing time:

Street	Side
Church Street	West
Highland Avenue	North
Orange Avenue	East
Rosemary Avenue	South
S. Main Street	North and south
S. Spring Garden Street	South
Souther Avenue	North
Trinity Avenue	North

B. Mondays from 12:00 p.m. until 4:00 p.m., prevailing time:

Street	Side
Bannockburn Avenue	North
Butler Avenue	East
Center Street	Thursday, p.m., southeast
Church Street	East
Locust Street	Thursday, p.m., northeast
North Street	West
Park Avenue	South and East
S. Chestnut Street	Thursday, p.m., southwest
S. Maple Street	Friday, early a.m.
Wissahickon Avenue	From Chestnut to Locust, Thursday, p.m., southeast
Woodland Avenue	North

C. Tuesdays from 8:00 a.m. to 12:00 p.m., prevailing time:

Street	Side
Center Street	Friday, a.m., northwest
Euclid Avenue	South
Highland Avenue	South
Lindenwold Avenue	North
Locust Street	Friday, a.m., southwest
Mattison Avenue	South
Park Avenue	North and west
S. Maple Street	Friday, early a.m.
S. Chestnut Street	Friday, a.m., northeast

Street	Side
Southern Avenue	South
Trinity Avenue	South
Wissahickon Avenue	Friday, a.m., from Maple to Chestnut early a.m.

D. Tuesdays from 12:00 p.m. until 4:00 p.m., prevailing time:

Street	Side
Euclid Avenue	North
Greenwood Avenue	West
Lindenwold Avenue	South
North Street	East
Orange Avenue	West
Poplar Street	East
Water Street	East

E. Wednesdays from 8:00 a.m. to 12:00 p.m., prevailing time:

Street	Side
Anderson Lane	Wednesday, p.m., both sides
Artman Road	Wednesday, p.m., both sides
Beechmont Road	Wednesday, p.m., both sides
Candy Lane	Wednesday, p.m., both sides
Cherry Lane	Wednesday, p.m., both sides
Chestnut Street	Northeast
Cove Road	Wednesday, p.m., both sides
Doc's Court	Wednesday, a.m., both sides
E. Mt. Pleasant Avenue	Wednesday, a.m. up to Hendricks, north-east
	P.M., Hendircks northeast to Pike
Edgewood Drive	Thursday, a.m., northwest
	Thursday, p.m., southeast
Edgewood Drive	Hendricks Street to cul-de-sac
	Thursday, a.m., both sides
Fulling Mill Lane	Wednesday, a.m., both sides
Grist Mill Court	Wednesday, a.m., both sides
Haywood road	Wednesday, p.m., both sides
Hendricks Street	Wednesday, a.m., northeast
Locust Street	Northeast

Street	Side
N. Maple Street	Northeast
N. Ridge Avenue	Southwest
N. Main Street	Wednesday, a.m., northeast
N. Main Street	Northeast
N. Spring Garden Street	Southwest
N. Ridge Avenue	Wednesday, a.m., northeast p.m., southwest
N. Spring Garden Street	Wednesday, a.m., northeast p.m., southwest
Overlook Road	Wednesday, p.m., both sides
Pleasant Acre Drive	Wednesday, a.m., both sides
Reiff's Mill Road	Wednesday, a.m.
S. Maple Street	Southwest
Tennis Avenue	Wednesday, a.m., up to Hendricks p.m., up to Pike
Walker Road	Wednesday, p.m., both sides

F. Wednesdays from 12:00 p.m. until 4:00 p.m., prevailing time:

Street	Side
Anderson Lane	Wednesday, p.m., both sides
Artman Road	Wednesday, p.m., both sides
Beechmont Road	Wednesday, p.m., both sides
Candy Lane	Wednesday, p.m., both sides
Center Street	Southeast
Cherry Lane	Wednesday, p.m., both sides
Chestnut Street	Southwest
Cove Road	Wednesday, p.m., both sides
Doc's Court	Wednesday, a.m., both sides
E. Mt. Pleasant Avenue	Wednesday, a.m., up to Hendrices, northeast
	Wednesday, p.m., Hendricks to Pike, northeast
E. Mt. Pleasant Avenue (Borough line to Hendricks Street)	Southeast and northwest
Edgewood Court	Thursday, a.m., northwest p.m., southeast
Fulling Mill Lane	Wednesday, a.m., both sides
Grist Mill Court	Wednesday, a.m., both sides
Haywood Road	Wednesday, p.m., both sides

Street	Side
Hendricks Street	Wednesday, a.m., northeast p.m., southwest
N. Ridge Avenue	Northeast
N. Main Street	Wednesday, a.m., northeast
N. Spring Garden Street	Northeast
Reiff's Mill Road	West
Walnut Street	Northeast
Wissahickon Avenue	Northwest

G. Thursdays from 8:00 a.m. to 12:00 p.m., prevailing time:

Street	Side
Belmont Avenue	Thursday, p.m., northwest
Fairview Avenue	Thursday, a.m., southeast
Fairview Avenue	Northeast
Forest Avenue	Northwest
Forest Avenue	Thursday, a.m., northwest
Glen Mawr Drive	Thursday, a.m., northeast
Heckler Street	Northeast
Heckler Street	Thursday, a.m., southeast
Hendricks Street (Butler Avenue to Forest Avenue)	Northeast
Race Street	Northwest
Ridge Avenue	Thursday, a.m., southwest
Rosemont Avenue	Thursday, a.m., both sides
Rosemont Avenue	North and south
School Street	Southwest
School Street	Thursday, a.m., southwest
Spring Garden Street	Wednesday, a.m., northeast p.m., northwest
Valley Brook Road	Thursday, a.m., southeast p.m., northwest
Walnut Lane	Northwest and north
Walnut Street	Thursday, a.m., southeast p.m., northwest
Walnut Lane	Thursday, a.m., northwest
Walnut Street	Southwest

H. Thursdays from 12:00 p.m. until 4:00 p.m., prevailing time:

Street	Side
Belmont Avenue	Northwest
Cove Road	Northeast and southwest
Edgewood Drive	Southeast
Forest Avenue	Southeast
Fulling Mill Lane	Northeast and southwest
Glen Mawr Avenue	Northeast and southwest
Hendricks Street (Forest Avenue to Mt. Pleasant Avenue)	Northeast and southwest
Race Street	Southeast
School Street	Thursday, 8:00 a.m. to 12:00 p.m., southwest
Spring Garden Street	Wednesday, a.m., northeast p.m., northwest
Tennis Avenue	Northeast
Valley Brook Road	Thursday, a.m., southeast p.m., northwest
Valley Brook Road	Southeast
Walnut Lane	Thursday, a.m., northwest
Walnut Street	Thursday, 8:00 a.m. to 12:00 p.m., southeast p.m., northwest

I. Fridays from 8:00 a.m. to 12:00 p.m., prevailing time:

Street	Side
Valley Brook Road	Northwest
Edgewood Drive	Northwest
Anderson Lane	Northeast and southwest
Cherry Lane	Northeast
Artman Road	Northwest
Overlook Road	Northeast
Beechmont Road	Northwest
Walker Road	Northwest
Candy Lane	Northeast
Haywood Road	West
E. Mt. Pleasant Avenue (Hendricks Street to Bethlehem Pike)	Northeast
Butler Pike to end of bridge	Friday, early a.m., no signs posted Butler Avenue (Hendricks Street to Bethlehem Pike)
	Friday, 8:00 a.m. to 10:00 a.m., south side 10:00 a.m., to 12:00 p.m., north side

J. Fridays from 12:00 p.m. until 4:00 p.m., prevailing time:

Street	Side
Artman Road	Southeast
Beechmont Road	Southeast
Candy Lane	Southwest
Cherry Lane	Southwest
Grist Mill Court	Northeast and southwest
Haywood Road	East
Overlook Road	Southwest
Walker Road	Southeast

2. Whenever a holiday falls on a designated day for the temporary prohibited parking, as hereinbefore set forth, said temporary prohibited parking, stopping or standing shall automatically be suspended for said holiday.

(Ord. 991, 8/15/2005)

§15-415. Parking of Commercial Vehicles Prohibited on Certain Streets.

Commercial vehicles shall not be parked on any Borough street overnight, nor during the daytime except to the extent necessary to facilitate the business activity related to the nature of the vehicle, such as making a delivery or repair. For purposes of this Section, a vehicle shall be considered a commercial vehicle if it has a commercial license plate; it has more than two axles; is a tow truck; has a bed that tilts; is a vehicle, including pickup truck, that has been modified for a specific purpose, such as by adding specialized equipment or tanks (but excluding any manner of tool bin or other generally available dealer upgrade); or has a bed laden with commercial tools or supplies, including loads of stone, lumber, topsoil, or mulch.

(Ord. 991, 8/15/2005; as amended by Ord. 1036, 3/17/2009)

§15-416. Parking for Repairs.

The parking of any motor vehicle, tractor or trailer, or combination thereof, upon streets and highways of the Borough for repairs, whether upon the traveled or untraveled portion thereof, shall be temporary only and limited to times for emergency repairs. This Section shall not be construed to permit parking for repairs at locations where parking is otherwise prohibited.

(Ord. 991, 8/15/2005)

PART 5

ON-STREET METERED PARKING

§15-501. Parking Meter Zone Established.

Parking meter zones are established upon and along certain streets in the Borough of Ambler as follows:

1. On-street metered parking:

Street	Side	Between
Lindenwold Avenue	South	Butler Avenue and Poplar Street
Main Street	Northeast	Forest Avenue and Butler Avenue
Main Street	Southwest	Poplar Street and driveway of old Reading freight station
Race Street	Northeast	Lindenwold Avenue and Butler Avenue (where meters placed)
Ridge Avenue	South	Race Street and Rosemary Avenue
Spring Garden Street	Northeast	Race Street and Rosemary Avenue
York Street	Northeast	Butler Avenue and Poplar Street

2. Pick-up and delivery metered parking zones (20 minute time limit).

Street	Side	Between
Butler Avenue	South	Main Street and Lindenwold Avenue
Lindenwold Avenue	East	Butler Avenue and Race Street
Lindenwold Avenue	West	Butler Avenue and Race Street

(Ord. 991, 8/15/2005)

§15-502. Days and Hours Parking Meters in Operation and Parking Time Limits Apply.

Parking meters shall be operated, by the deposit of a coin in the meter as prescribed in §15-501 and the parking rates for specified lengths of time, as well as the maximum parking times prescribed, from time to time, by the Borough shall be as indicated on the legend of parking meters; provided, that the requirements of this Part as to parking time limits and as to deposit of coins referred herein shall not apply on Sundays and legal holidays.

(Ord. 991, 8/15/2005)

§15-503. Placement and Characteristics of Parking Meters.

Parking meters installed in the parking meter zones established by §501 of this Part shall be placed upon the curb or sidewalk, and immediately adjacent to the individual parking spaces described in §504 of this Part. Each parking meter shall be placed or set so as to show that the parking space adjacent to that meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the [Municipality] and when the adjacent space is occupied by a vehicle, the parking meter shall indicate on and by its dial and pointer the duration of the period of legal parking, and, on the expiration of that period, shall indicate illegal parking or over-parking.

(Ord. 991, 8/15/2005)

§15-504. Parked Vehicles to be Wholly Within Marked Spaces.

Lines and/or markings shall be painted or placed upon the curb, sidewalk or roadway adjacent to each parking meter for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked at any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this Part for any person to park a vehicle across any such line or marking, or to park a vehicle in such a position that vehicle is not wholly within the area designated by those lines or markings. The front end of vehicles parked in a meter parking zone shall be nearest to the meter.

(Ord. 991, 8/15/2005)

§15-505. Coin Deposit in Meter; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any space adjacent to a parking meter, at any time in the period of limited parking as prescribed by §502 of this Part, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in that parking meter, one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle shall remain in any space parking space for any length of time that the meter shall indicate by proper signal that the lawful parking time has expired, that vehicle shall be considered as having been parked overtime, and the parking of a vehicle overtime shall be a violation of this Part.

(Ord. 991, 8/15/2005)

§15-506. Unlawful to Deposit Substitute for Coin in Meter.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.

(Ord. 991, 8/15/2005)

§15-507. Unlawful to Deposit Coin in Meter to Extend Parking Time Beyond Legal Limit.

It shall be unlawful and a violation of this Part for any person to deposit or cause to be deposited, in any parking meter installed under the provisions of this Part, any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time of 15 minutes in any 15 minute parking meter zone, 1 1/2 hour in any 1/2 hour parking meter zone, one hour in any one hour parking meter zone, or two hours in any two hour parking meter zone.

(Ord. 991, 8/15/2005)

§15-508. Unlawful to Remain Parked at Meter Showing Violation.

It shall be unlawful, and a violation of this Part, for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part, when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

(Ord. 991, 8/15/2005)

§15-509. Unlawful to Tamper with Meter.

It shall be unlawful, and a violation of this Part, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Part. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Borough under the direction of the Chief of Police or Borough Council

(Ord. 991, 8/15/2005)

§15-510. Unlawful to Park After Time on Meter Has Elapsed; Evidence of Violation.

Any person or person who cause a vehicle to remain in a parking space after the prescribed time, for which coins or tokens have been deposited, has elapsed is hereby determined to be illegally parked and each additional hour that such person or persons permit such vehicle to remain in an individual parking space after the prescribed time

for parking has elapsed is hereby declared to be an additional violation. The fact that a vehicle is in an individual parking space when the time signal on the parking meter regulating said parking space shows that no parking is permitted or that the time has expired, shall be deemed prima facie evidence of additional violations of the parking of said motor vehicle by the operator or owner.

(Ord. 991, 8/15/2005)

§15-511. Ticketing of Vehicles Parked Unlawfully; Effect of Payment Within 48 Hours.

1. It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report all violations of §§15-501 through 15-515 of this Part, indicating in each case:

   A. The Section thereof violated.

   B. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this Part.

   C. The date and hour of the violation.

   D. The State and license number of the vehicle.

   E. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.

2. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or drive of the vehicle that the vehicle was parked in violation of this Part and shall indicate on the notice the date and time the notice was placed on the vehicle. The notice shall advise the owner or driver of the benefit provided for in §15-512 of placing the amount of $15 within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough or at the Borough Police Station within the time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15-412(1) of this Part.

(Ord. 991, 8/15/2005)

§15-512. Penalty for Violation.

1. Fifteen dollars for each separate parking violation if paid within 48 hours of the time the notice of violation was issued. The owner or driver may discharge the fine by placing the sum of $15 in the envelope provided for that purpose with the notice of violation and deliver the same to the Borough Secretary or deposit the same in the parking fine boxes at various locations in the Borough within the time

lime or by paying the same sum at the office of the Borough Secretary within the time limit.

2. Any person who violates any provision of this Part, with the exception of §15-509 and who fails to pay the fine set forth in Subsection 1 of this Section, shall be cited within 15 days of the violation and upon conviction, be sentenced to pay fines and costs of not less than $31.30 and costs.

3. For violations of §15-509, see footnote.[1]

(Ord. 991, 8/15/2005)

§15-513. Exceptions.

1. By resolution, the Borough Council may temporarily suspend the provisions of this Part by requiring coin deposit in meters and establishing a maximum parking time at meters.

2. The Borough shall have authority to establish no parking or special-purpose parking zones within any parking meter zone, and to remove parking meters from those areas as previously installed there, and the provisions of this Part shall not apply in those areas where no parking or special-purpose parking are in effect.

(Ord. 991, 8/15/2005)

§15-514. Disposition of Fines.

The fines for violation deposited in the parking fine boxes shall be collected regularly by the person or persons designated by the Borough Council to make the collection from the coin boxes in the parking meters and said payments so collected shall be deposited by the Borough officer to the credit of the Borough.

(Ord. 991, 8/15/2005)

§15-515. Collection of Meter and Fine Depositories.

1. The Borough Council shall designate a person or person who shall collect the coins in the parking meters and fine boxes and deliver the same to the depository.

2. Each collector of costs from the parking meters and from the fine boxes shall furnish a bond, in the sum of at least _____ dollars to the Borough for the faithful performance thereof.

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[1] **Editor's Note: Tampering with parking meters is a criminal act punishable as a felony misdemeanor or summary offense depending on the extent of damage inflicted. 18 P.S. §3304 (1973), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania**

(Ord. 991, 8/15/2005)

PART 6

OFF-STREET METERED PARKING

§15-601. Metered Parking Lots Established.

The following are established as the metered parking lots established by this [Municipality]:

Lot	Location	Rate	Maximum Parking Time	Days In Operation	Hours in Operation
None					

(Ord. 991, 8/15/2005)

§15-602. Placement and Characteristics of Parking Meters.

Parking meters installed in the parking lots shall be placed immediately adjacent to the individual parking spaces that shall be marked off and maintained in the lots. For each parking meter there shall be a clear indication, through use of a directional arrow, or an identification as to number with the parking space, to show which individual parking space it serves. Each parking meter shall indicate by a proper legend the parking rate and the maximum parking time established by §601 of this Part, and, when the parking space is occupied and the parking meter put into operation by the insertion of one or more coins, the parking meter shall indicate on and by its dial and pointer the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or over-parking.

(Ord. 991, 8/15/2005)

§15-603. Reserved Parking Spaces for Handicapped May be Provided.

The Borough Council, at its discretion, may provide, at convenient and suitable locations in any one or more of the metered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and a violation of this Part, for any person to park in any such reserved parking space, any vehicle unless that vehicle bears or displays either: a “handicapped registration plate,” a “handicapped parking placard,” a “disabled veteran registration plate” or a “disabled veteran placard”.

(Ord. 991, 8/15/2005)

§15-604. Parked Vehicles to be Wholly Within Marked Spaces.

Lines and/or markings shall be painted or placed upon the surface of the metered parking lots, adjacent to each parking meter, for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked adjacent to any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this Part for any person:

A. To park a vehicle across any such line or marking; or,

B. To park a vehicle in such a position that the vehicle shall not be within the area so delineated by the lines or markings;

C. To park a vehicle elsewhere in any such lot that in an individual parking space adjacent to a parking meter.

(Ord. 991, 8/15/2005)

§15-605. Manner of Parking at Meters.

It shall be unlawful for any person to park a vehicle in any metered parking lot:

A. Otherwise than with the front of the parked vehicle nearest to the parking meter applicable to that vehicle; or,

B. With any part of the vehicle touching the meter post or head or the raised base or barrier on which meters are erected.

(Ord. 991, 8/15/2005)

§15-606. Coin Deposit in Meter; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any metered parking lot, at any time when the lot is open for use and the meters are to be in operation, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in the proper parking meter, one or more proper coins, of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle remains in any such parking space for such length of time that the meter indicates that the lawful parking time has expired, that vehicle shall be considered as being parked overtime, and the parking of a vehicle overtime shall be a violation of this Part. Provided: every hour that a vehicle remains parked at a meter showing a violation shall constitute a separate violation of this Part.

(Ord. 991, 8/15/2005)

§15-607. Unlawful to Deposit Substitute for Coin in Meter.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.

(Ord. 991, 8/15/2005)

§15-608. Unlawful to Remain Parked at a Meter Showing Violation.

It shall be unlawful, and a violation of this Part, for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part, when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

(Ord. 991, 8/15/2005)

§15-609. Unlawful to Tamper with Meter.

It shall be unlawful, and a violation of this Part, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Part. Provided: nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Borough Council under the direction of the [Designated Official] or Borough Council.

(Ord. 991, 8/15/2005)

§15-610. Metered Parking Lots for Certain Types of Vehicles Only.

The metered parking lots established by this Part shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other type of vehicle in any of those lots.

(Ord. 991, 8/15/2005)

§15-611. Ticketing of Vehicles Parked Unlawfully; Effect of Payment Within 48 Hours.

1. It shall be the duty of the police officers and parking enforcement personnel of the Borough acting in accordance with the direction of the Chief of Police, to report:

A. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this Part;

B. The date and hour of the violation;

C. The license number of the vehicle;

D. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.

2. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the Borough, the sum of $_____ within _____ hours after the time of the notice, or will place the sum of $_____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough, within that time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §612(1) of this Part.

(Ord. 991, 8/15/2005)

§15-612. Penalty for Violation.

1. Any person who violates any provision of this Part, with the exception of §609, nd who fails to pay the fine set forth in §611, shall be cited within 15 days of the violation and upon conviction, be sentenced to pay a fine of not more than $15 and costs.

2. Any person who violates any provision of §609 of this Part shall, upon conviction, be sentenced to pay a fine of not more than $600 and costs, and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(Ord. 991, 8/15/2005)

§15-613. Parking Meter Zones Established on Borough Lots.

Parking meter zones are hereby established at the following locations:

A. Borough Parking Lot No. 1. The entire area established as a place for the public parking of vehicles, located on a premises owned by the Borough and facing in Poplar Street between Ridge Avenue and Spring Garden Street.

B. Borough Parking Lot No. 2. The entire area established as a place for the public parking of vehicles, located on premises owned by the Borough and fronting on Race Street and Lindenwold Avenue.

C. Borough Parking Lot No. 3. The entire area established as a place for the public parking of vehicles, located on premises owned by the Borough, on the southeast side of Butler Avenue from the railroad tracks to the Ricardi property (10 W. Butler Avenue).

(Ord. 991, 8/15/2005)

§16-614. Rules, Regulations and Enforcement on Borough Metered Parking Lots.

Portions of the Borough's parking lots Nos. 1, 2 and 3 may, from time to time, be designated as metered parking zones and as such shall be governed by all of this Part provided in §§15-501 – 15-515 of Part 5 and §§15-601 -15-614 the same as if fully set forth herein and the placing of notices of violations and citations ignoring the notices of violation shall be by the Borough's Police Officers and parking enforcement personnel under the direction of the Chief of Police who are all hereby empowered to enforce the provisions in the off-street metered parking zones and subject to the cross-referenced portions of this Part.

(Ord. 991, 8/15/2005)

PART 7

OFF-STREET UNMETERED PARKING

§15-701. Unmetered Parking Lots Established.

An area of the parking lots shall be set aside for the accommodation of vehicles whose operators or owners shall contract with the Borough of Ambler for the privilege of parking on the parking lot at the rate set by the Borough, from time to time. Each parking space within this areas shall be numbered or otherwise marked so that reference to a specific parking space may be made in the leasing of such space to a vehicle operator or owner. The section designated for weekly parking shall be clearly marked and posted indicating that it is solely for the use of vehicles whose owner or operators have entered into a weekly lease agreement with the Borough of Ambler. No vehicle shall be parked at any time whatsoever in the area designated for weekly parking unless the owner or operator thereof shall have paid the Borough of Ambler the weekly rental established herein for the week during which such vehicle shall be parked in the weekly parking area.

(Ord. 991, 8/15/2005)

§15-702. Reserved Parking Spaces for Handicapped May be Provided.

The Borough Council at its discretion, may provide, at convenient and suitable locations in one or more of the unmetered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and a violation of this Part, for any person to park in any such reserved parking space, any vehicle unless that vehicle bears or displays either: a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate," or a "disabled veteran placard." Provided: all provisions, requirements and restrictions contained in the other Sections of this Part shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

(Ord. 991, 8/15/2005)

§15-703. Unlawful to Park Overtime or When Lot Closed.

It shall be unlawful for any person to park a vehicle, or to allow a vehicle to remain parked in any unmetered parking lot:

A. For longer than the maximum parking time prescribed by the lease with the Borough.

B. At any time when the lot is not in operation and is closed to public use.

(Ord. 991, 8/15/2005)

§15-704. Unmetered Lots for Certain Types of Vehicles.

The unmetered parking lots established by §701 of this Part shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other kind or class of vehicle in any such lot.

(Ord. 991, 8/15/2005)

§15-705. Manner of Parking.

Every vehicle parked in an unmetered parking lot shall be parked wholly within the lines bounding or marking the individual parking space assigned to that vehicle, and shall be parked headed into the parking space. It shall be unlawful for any person:

A. To park a vehicle in a space not rented by him.

B. To park a vehicle otherwise than as required by this Section.

C. To park a vehicle elsewhere than in an individual parking space, the prohibited areas including, but not limited to, the access and exit driveways and turning and maneuvering spaces.

(Ord. 991, 8/15/2005)

§15-706. Parking on Rental Basis Only.

The parking spaces in the unmetered parking lots shall be available for parking on a monthly rental basis only. The rental fee shall be fixed by the Borough Council pursuant to a resolution and shall be for a calendar month or the part of a calendar month remaining after the rental arrangements are made. The rental fee shall be paid in advance to the Borough Secretary for the use of the Borough, and after the first month shall be automatically renewable until the renter notifies the Borough that he wishes to terminate the rental arrangements. At any time, however, the Borough may, by amending §701 of this Part, discontinue provision of a specific unmetered parking lot or a portion of the parking spaces in any such lot, or may change any unmetered parking lot, or part of an unmetered parking lot, to a metered parking lot or to metered parking spaces. The rental parking spaces shall be assigned by the Borough Secretary. The name of the render of a parking space and/or the numbers and/or letters on the registration tag of the vehicle entitled to be parked there shall be posted by the Borough at the rental space or shall be painted on the surface of that parking space.

(Ord. 991, 8/15/2005)

§15-707. Enforcement.

Enforcement of these Sections shall be by the Police Officer of the Borough and the parking enforcement personnel under the direction of the Chief of Police.

(Ord. 991, 8/15/2005)

§15-708. Penalty for Violation.

1. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the Borough, the sum of $10 within 48 hours after the time of the notice, or will place the sum of $10 enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough, within that time limit, that act will save the violator from prosecution and from payment of the fine prescribed in Subsection 2 hereof.

2. Any person who violates any provision of this Part and who fails to pay the fine set forth in this Section, shall be cited within 15 days of the violation and upon conviction, be sentenced to pay a fine of not more than $15 and costs.

(Ord. 991, 8/15/2005)

PART 8

REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES

§15-801. Applicability and Scope.

This Part is enacted under authority of §6109(a-22) of the Vehicle Code, and gives authority to the [Municipality] to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Vehicle Code.

(Ord. 991, 8/15/2005)

§15-802. Authority to Remove and Impound.

The Police Department shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in §801 of this Part. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provisions of the Pennsylvania Vehicle Code. No vehicle shall be removed for overtime parking.

(Ord. 991, 8/15/2005)

§15-803. Tow Away Zones Designated.

The following designated streets and/or parking lots are hereby established as tow-away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of the Borough parking regulations:

Street	Side	Between	Parking Lot
None			

(Ord. 991, 8/15/2005)

§15-804. Designation of Approved Storage Garages; Bonding; Towing and Storage.

Removal and impounding of vehicles under this Part shall be done only by "approved storage garages" that shall be designated from time to time by the [Governing Body]. Every such garage shall submit evidence to the Borough Council that it is bonded or has acquired liability insurance in an amount satisfactory to the Borough Council as suffi-

cient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Borough Council its schedule of charges for towing and storage of vehicles under this Part, and, when the schedule is approved by Borough Council, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Part by any approved storage garage. The Borough Council shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part.

(Ord. 991, 8/15/2005)

§15-805. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded.

(Ord. 991, 8/15/2005)

§15-806. Reclamation Costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a $25 fee of which $10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

(Ord. 991, 8/15/2005)

§15-807. Records of Vehicles Removed and Impounded.

The Borough shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

(Ord. 991, 8/15/2005)

§15-808. Restrictions Upon Removal of Vehicles.

No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

(Ord. 991, 8/15/2005)

§15-809. Penalty for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of $50 together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. §7301 et seq., (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 991, 8/15/2005)

§15-810. Reports and Disposition of Unclaimed Vehicles.

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of The Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed Salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa C.S.A. §101 et seq., as amended).

(Ord. 991, 8/15/2005)

§15-811. Towing and Storage Charges.

Every such approved storage garage shall have authority to charge the owner of record of every such impounded vehicle the towing and storage charges that shall be fixed and approved by resolution of the Borough Council.

(Ord. 991, 8/15/2005)

§15-812. Garage to Post Bond.

Every such approved storage garage shall furnish a bond in an adequate amount as shall be fixed by the Borough Council, for the indemnifying of the owner of any such impounded vehicle against the loss thereof or injury or damage thereto, while in the custody of the keeper of the pound.

(Ord. 991, 8/15/2005)

§15-813. Notification to Owners of Impounded Vehicles.

Within 72 hours from the time of removal of any vehicle under authority granted by this Part, notice of the fact that such vehicle has been impounded shall be sent by the Penn-

sylvania Department of Transportation to the owner of record of such vehicle. Such notice shall include the make, model, title number, vehicle identification number and registration plate number, the location the vehicle is held, notification of the right to reclaim said vehicle within 30 days after the date of the notice upon payment of a fee of $25, towing and storage charges and notification that failure to reclaim said vehicle is deemed consent to the disposition of the vehicle.

(Ord. 991, 8/15/2005)

§15-814. Effect of Payment of Towing and Impoundment Charges Without Protest.

The payment of any towing and impounding charges, authorized by this Part, shall unless such payment shall have been made under protest, be final and conclusive and shall constitute a waiver of any right to recover the money so paid.

(Ord. 991, 8/15/2005)

§15-815. Effect of Payment of Towing and Impoundment Charges Under Protest.

In the event that any towing and impounding charges, authorized by this Part, shall be paid under protest, the offender shall be entitled to a hearing before a district justice or court or record having jurisdiction, in which case the defendant shall be proceeded against and shall receive such notice as is provided by the Vehicle Code, 75 P.S. §§101-9701, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, in other cases of summary offenses and shall have the same rights as to appeal and waiver of hearing.

(Ord. 991, 8/15/2005)

§15-816.Owner or Operator of Vehicle Remains Liable for Fine or Penalty.

The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which such vehicle was removed and impounded.

(Ord. 991, 8/15/2005)

PART 9

SNOW AND ICE EMERGENCY

§15-901. Declaration of Snow and Ice Emergency.

A snow removal condition is hereby declared to exist in the Borough of Ambler whenever show falls so that, in the opinion of the Chief of Police, or such person designated by the Chief of Police, the street conditions are hazardous and dangerous to vehicular and pedestrian traffic because of snow accumulation. The Chief of Police, or such person designated by the Chief of Police, shall have authority to declare a snow removal condition, notice of which shall immediately be issued to local radio and news services. In either instance, a snow removal condition is presumed to continue for a period of 24 hours following the accumulation of snow or until such period of time as designated by the Chief of Police.

(Ord. 991, 8/15/2005)

§15-902. Parking Prohibited, Driving Motor Vehicles Restricted on Snow Emergency Routes During Emergency.

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §15-903 of this Part; or,

B. To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

(Ord. 991, 8/15/2005)

§15-903. Snow Emergency Routes Designated.

The following are designated as snow emergency routes:

Street	Between
None	

(Ord. 991, 8/15/2005)

§15-904. Definitions.

The following words when used in this Part shall have the following meanings, unless the context clearly indicates a different meaning:

CHAINS — full chains, strap chains or other types of chains mounted on both rear wheels of a motorized vehicle.

SNOW — any precipitation depositing any accumulation on the streets, including snow, sleet, hail, ice and freezing rain.

SNOW REMOVAL CONDITION — state of street conditions that are hazardous and dangerous to vehicular and pedestrian traffic or so declared by the Chief of Police or such person designated by the Chief of Police.

SNOW TIRES — tires having treads designed for use in snow, which tires must be in such condition as to serve the purpose for which they are designed.

VEHICLE — any self-propelled motorized vehicle licensed to travel upon the streets, roads and highways of the Borough of Ambler.

(Ord. 991, 8/15/2005)

§15-905. Unattended Vehicles Prohibited During Emergency.

During such time as a snow removal condition is in effect, it shall be a violation of this Part for any person, firm, organization or entity to park, abandon or leave unattended any vehicle on any streets, roads and highways and their adjacent right-of-ways within the boundaries of the Borough that have been publicly designated for snow removal or plowing.

(Ord. 991, 8/15/2005)

§15-906. Snow Tires or Chains Required.

During such time as a snow removal condition is in effect, any person, firm, organization or entity operating or causing to be operated a vehicle which is not equipped with snow tires or chains upon any street, road or highway within the boundaries of the Borough resulting in such vehicle becoming stalled or incapable of moving under its own power or who leaves such vehicle abandoned or unattended on any street, road or highway within the boundaries of the Borough as a result of its inability to move under its own power because of its failure to be equipped with snow tires or chains, shall be in violation of this Part and shall be subject to the penalties and fines set forth in §15-907.

(Ord. 991, 8/15/2005)

§15-907. Penalty for Violation.

1. If, at any time during a period of snow emergency declared under §15-901 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of not more than $15 and costs.

2. If, at any time during a period of snow emergency declared under §15-901 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

PART 10

REGULATION OF PEDALCYCLES AND NONMOTORIZED VEHICLES

§15-1001. Riding and Parking of Pedalcycles on Sidewalks Along Certain Streets Prohibited.

1. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk along the following portions of the streets in the Borough:

Street	Side	Between
None		

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $5 and costs.

(Ord. 991, 8/15/2005)

§15-1002. Restrictions on Use of Pushcarts.

1. The word "pushcart," as used in this Section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.

2. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from the Borough Council as provided in Subsection 3 of this Section.

3. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from the Borough Council. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the Borough set by the Borough Council pursuant to a resolution. The permit shall be granted to the applicant, upon payment of the fee, and upon his signing an agreement with the Borough Council that he shall be bound by the conditions imposed by Borough Council and made a part of the permit, dealing with the following matters:

   A. Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location;

   B. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on;

C. Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.

4. Any person who violates any provision of this Section, or any condition of any permit granted under this Section, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of $25 and costs.

(Ord. 991, 8/15/2005)

§15-1003. Skates, Skateboards, Coasters, Sleds and Other Toy Vehicles.

1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Borough, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of §15-105 of Part 1 or §15-216 of Part 2 of this Chapter. Provided: nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.

2. It shall be unlawful to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon any Borough roadway, public alleyway or public sidewalk. Such uses are permitted within the public parks of the Borough; however, it shall be unlawful to construct or use any ramp or other device for purposes of increasing the rider's speed or causing the rider to become airborne. It shall be unlawful to utilize any skateboard or other device within the parks in a manner that causes any damage to public or private property. It shall be unlawful to operate any such device in a manner that is reckless or without regard to the safety of pedestrians and other persons using the parks.

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $5 and costs.

(Ord. 991, 8/15/2005)

§15-1004. Definitions.

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

SKATEBOARD — a single platform which is mounted on wheels, having no mechanism or other device with which to steer or control the direction of movement and brake thereof while being used, operated or ridden.

(Ord. 991, 8/15/2005)

PART 11

PEDESTRIAN REGULATIONS

§15-1101. Pedestrians to Obey Traffic-Control Signals.

At all locations in the Borough where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under §1102 of this Part, shall obey the directions of those traffic-control signals, as follows:

A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk;

B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway;

C. When facing a steady red signal, a pedestrian shall not enter the roadway.

(Ord. 991, 8/15/2005)

§15-1102. Pedestrian-Control Signal Locations Established.

1. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

Location
None

2. Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:

A. When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.

B. When facing a flashing "Don't Walk" signal a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone. Any pedestrian who fails to obey the directions of a "Don't Walk" signal, as indicated above, shall be guilty of an offense and a violation of this Part.

(Ord. 991, 8/15/2005)

§15-1103. Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted.

Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

Street	Intersection	Direction of Travel
None		

(Ord. 991, 8/15/2005)

§15-1104. Locations Where Pedestrian May Cross Only in Crosswalk.

It shall be unlawful for any pedestrian:

A. To cross any roadway in a business district within the Borough except in a crosswalk;

B. To cross the roadway, in any of the following portions of streets in the Borough except in a crosswalk:

Street	Between
None	

Provided, nothing in this Section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by §15-1102 of this Part.

(Ord. 991, 8/15/2005)

§15-1105. Penalty for Violation.

Any pedestrian who violates any provision of this Part shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of $5 and costs.

(Ord. 991, 8/15/2005)

CHAPTER 16

PARKS AND RECREATION

PART 1

RULES AND REGULATIONS IN BOROUGH PARKS

§16-101. Definitions
§16-102. Rules and Regulations
§16-103. Trespassing on Residential Lands
§16-104. Enforcement
§16-105. Fees
§16-106. Additional Rules
§16-107. Violations and Penalties

PART 1

RULES AND REGULATIONS IN BOROUGH PARKS

§16-101. Definitions.

As used in this Part, the following terms shall have the meanings indicated.

PARKLANDS — tracts acquired by the Borough of Ambler for public use, including playgrounds and open spaces kept in their natural state.

VEHICLES — any motorized device for carrying passengers or goods.

(Ord. 1034, 2/17/2009)

§16-102. Rules and Regulations.

The following rules and regulations are set forth for the use of the parklands in the Borough of Ambler:

A. No person or persons without a special permit shall be allowed in the parklands except between the hours of sunrise and sunset.

B. Persons shall enter and leave a park by the entrance and exits provided for that purpose.

C. No vehicle shall be used or parked in any roadway or section of the parklands except in areas designated for such purposes. No person may operate any recreational vehicle within any Borough of Ambler park. "Recreational vehicle" shall mean any hot-air balloon, minibike, dirt bike, all-terrain vehicle (ATV), off-road vehicle (ORV) or other form of motorcycles or any snowmobiles.

D. The washing or repair of any motor vehicle shall not be permitted.

E. Intoxicating beverage shall not be sold or distributed or consumed except under special permit in certain designated park areas.

F. Intoxicated persons shall not be permitted in a park.

G. Gambling or any obscene or indecent act shall not be permitted.

H. Abusive, indecent or threatening language or any conduct that may annoy shall not be permitted.

I. No person or persons shall in any way injure, foul, pollute or deface any building, equipment, signs and standards or water.

J. No person or persons shall cut, remove, injure or destroy flowers, plants, wildflowers, shrubbery or trees. This includes downed trees cut up for firewood. No person or persons shall erect any structures or install plant material on parkland or assume parkland for personal use.

K. Pet animals, including but not limited to dogs, cats and horses, shall not be permitted.

L. No person shall scatter or drop or leave litter except in receptacles provided for that purpose. No dumping of household, construction, commercial or landscape debris in receptacles or on parkland for removal by the Borough of Ambler is permitted.

M. No person shall deface or destroy any notices, rules or regulations for the regulation of a park system posted or in any manner permanently fixed within the limits of the same.

N. No person shall annoy, strike, injure, maim or kill any animals or birds.

O. Fires are allowed in parks only with a special event permit. A certificate of insurance payable to the Borough of Ambler and waiver of liability shall be required. All fires must be extinguished before leaving a site.

P. Scheduling and Permits.

(1) Any individual or group of individuals desiring the privilege of having the exclusive or special use of all or portions of any park area, ground, building, athletic field or other recreational facility shall schedule such use with and obtain a permit from the Borough of Ambler. Individuals or groups desiring to conduct organized activities on park grounds shall schedule such activities with and obtain a permit from the Borough of Ambler.

(2) Scheduling and permit application shall be made with the Borough Manager at least two business days before the date of desired use. Established fees, security deposits and/or required certificates must be paid and/or filed with the Borough Manager at the time the permit application is submitted for approval and scheduling.

(3) Any individual or group of individuals using a park facility to the exclusion of others without a permit shall remove themselves from the facility upon request by a properly scheduled and permitted user or authorized Borough of Ambler official or staff member.

(4) No permit shall be issued for a use that violates Borough of Ambler regulations regarding the use of park facilities. The Borough reserves the right to revoke any permit if those using the park pursuant to the permit violate Borough regulations. The Borough further reserves the right to limit the number of permits issued if the capacity of the facilities is exceeded.

(5) These regulations do not apply to minor children engaged in ordinary and customary play, except that children must remove themselves from a park facility upon request by a properly scheduled and permitted user or authorized Borough official or staff member.

Q. When possible, Borough of Ambler residents shall be charged lesser fees than nonresidents for the use of park facilities and for participation in recreation programs.

R. Activities and Games.

(1) Activities and games shall only take place in areas designated for such. Individuals or groups using parklands, with or without Borough permission, are responsible for any damage done to turf or equipment.

(2) No person shall use parkland for the purpose of a golf driving or practice range.

S. Soliciting Prohibited.

(1) There shall be no soliciting of any kind, including the sale or vending of food, on parklands or at Borough of Ambler recreational programs except by permit issued by the Borough.

(2) Use of any park facility or section of a park facility for commercial or profit-making activities without a special permit issued by the Borough of Ambler is prohibited.

T. All public parks and recreational areas, including but not limited to fields, tennis and basketball courts, trails and pavilions, shall be used only for their intended purpose and no other unless a special permit has been issued by the Borough.

U. Smoking, which is defined as the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device, is prohibited anywhere within Riccardi Park, Knight Park, Pickering Field, Jean Thompson Park, Locust Street Park, and Ambler Borough Park.

(Ord. 1034, 2/17/2009)

§16-103. Trespassing on Residential Lands.

There shall be no trespassing on adjacent lands of residents or harassment of the owners thereof.

(Ord. 1034, 2/17/2009)

§16-104. Enforcement.

The Borough Manager or Parks and Recreation Director shall exercise general supervision over persons occupying or using the parks and over the care, maintenance and replacement of Borough property and equipment in the parks and shall keep such property and equipment in a clean and sanitary condition. In addition, the Police Department is authorized to enforce the provisions of this Part.

(Ord. 1034, 2/17/2009)

§16-105. Fees.

Ambler Borough Council may from time to time, by resolution, adopt a schedule of fees and charges and other use regulations for Borough facilities.[1]

(Ord. 1034, 2/17/2009)

§16-106. Additional Rules.

The Borough Manager, Chief of Police and Parks and Recreation Director shall have the right to promulgate regulations from time to time not inconsistent with the rules set forth in this Part.

(Ord. 1034, 2/17/2009)

§16-107. Violations and Penalties.

Any person violating the provisions of this Part shall, upon summary conviction before a magistrate, pay a fine not to exceed $1,000 and costs of prosecution. All prosecutions for violations under this Part shall be brought in the name of the Borough of Ambler, and all fines shall be paid to the Borough of Ambler and shall be applied to the general funds of the Borough.

(Ord. 1034, 2/17/2009)

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[1] **Editor's Note: The current resolution is on file in the office of the Borough Secretary.**

CHAPTER 17

PLANNED RESIDENTIAL DEVELOPMENT

(Reserved to accommodate future enactments)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

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CONSTRUCTION, CONNECTION AND USE OF SEWERS

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PART 1

ADOPTION OF SEWER SYSTEM; SEWER EXTENSIONS; SEWER RENTALS

§18-101. Sewer System Adopted.

The system of sewers, heretofore authorized to be constructed by or in the Borough of Ambler as when completed as a whole or by parts or sections and so certified by the Sewer Engineer for the said Borough, shall constitute a part of the sewer system in the Borough of Ambler.

(Ord. 265, 8/13/1936, §1)

§18-102. Extensions Built by Property Owners.

The Borough Council may at its discretion, upon application in form prescribed by the Public Safety Committee, supervise the construction of any proposed extensions of said system of sewers to be built at the expense of any owner of private property and may take over the same when completed; and all such extensions, when accepted and taken over, shall become part of said system of sewers and shall, thereafter, be subject to the provisions hereby with regard to connections, service rentals, etc.

(Ord. 265, 8/3/1936, §5)

§18-103. Sewer Rentals.

1. Any person (includes any individual, firm, company, association, society, corporation or group) receiving sewage service from the Borough of Ambler so that the sewage of such person flows into the sewage system of the Borough shall pay a sewer rental based upon water usage to such person as indicated by the quarterly water meter reading on the property or premises of such person, as follows:

   A. A charge of $6 for each 1,000 gallons of water usage per quarter.

2. In lieu of a rental based upon water meter readings per quarter, any commercial or industrial person or customer may cause his or its sewage rental to be based upon metered sewage flow; provided that said person or customer shall have installed, at his or its sole cost and expense, a sewage flow meter approved and installed with the approval of the Borough as to the type of meter and its specifications, including but not limited to size, and mode of operation. The approved sewage flow meter shall be monitored in accordance with the requirements and regulations of the Borough and subject to inspections by the Borough, from time to time, at the sole discretion of the Borough, to determine that said meter and metering equipment is in good operating order. The cost of any such monitoring and

inspection shall be borne by the person and customer; and the billings concerning same shall be promptly paid when rendered by the Borough.

3. This Section setting forth sewer rental rates shall not apply to any person or customer receiving sewage service from the Borough for industrial or other type of wastewater, requiring a special agreement as to treatment and sewer rental as set forth in any written agreement between the Borough and any such person or customer.

4. Penalty and Charges.

   A. If any quarterly sewer rental is not paid within 30 days after the date of the bill, a penalty of 1 1/4% per month shall be added thereto; and if the bill plus the penalty is not paid within the said 30 days after the date of the bill, the aggregate amount thereof shall bear interest from the penalty date at the rate of 1/4 of 1% per month, or fraction thereof. Such interest rate, when annualized, shall not exceed 15% simple interest per year. Any unpaid sewer rent, together with the penalties and interest thereon, to the extent permitted by law, shall be a lien on the property served, which may be collected by action in assumpsit, by distress or by a lien filed in the nature of a municipal claim, as provided by law. In addition, the Borough may require its Water Department to shut off the water supply to any property with respect to which the sewer rent imposed hereby is unpaid until all such rents, together with interest and penalties as aforesaid, are paid.

   B. In addition to the foregoing penalty and interest sums imposed, if the Borough commences litigation to collect any delinquent sewer rental billing, there shall be added to the amount billed and claimed an attorney's fee of 5% of the total delinquency plus all court costs and other direct costs of the collection.

(Ord. 265, 8/3/1936, §6; as amended by Ord. 733, 12/29/1980, §§1-4; by Ord. 750, 12/21/1981, §1; by Ord. 893, -/-/1992; by Ord. 939, 12/28/1998, §1; by Ord. 996, 12/19/2005; and by Ord. 1062, 12/20/2011)

§18-104. Duties of Secretary and Treasurer.

It shall be the duty of the Secretary of the Borough Council to provide all the necessary books, records, bills and other forms and stationery and to keep a proper record of all assessments, charges, service rates and rentals and all payments hereunder, whether collectible by the Treasurer or the Solicitor or otherwise. It shall be the duty of the Treasurer and Solicitor to notify the Secretary monthly of all payments received.

(Ord. 265, 8/3/1936, §7)

§18-105. Use of Net Revenue From Sewer Rental Charges.

All assessments and interest thereon, collected by the Treasurer and for the Solicitor hereunder, shall be deposited in the sewer sinking fund as provided by ordinance and shall be applied only to the payment of interest upon and the redemption and payment of Borough sewer bonds. The net revenue from sewer rental charges hereunder, after operating, maintenance and other expenses are deducted, may be paid into the same account and may be likewise applied and used.

(Ord. 265, 8/13/1936, §8; as amended by Ord. 785, 11/21/1983)

§18-106. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 265, 8/3/1936, §9; as amended by Ord. 400, 3/11/1957, §2, by Ord. 785, 11/21/1983; and by Ord. 991, 8/15/2005

PART 2

CONSTRUCTION, CONNECTION AND USE OF SEWERS

A. Construction, Connection and Use.

§18-201. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Part shall be as follows:

AMMONIA – NITROGEN (NH3-N) — the quality of nitrogen measurable by the distillation – nesslerization or titration method as described by "Standard Methods for the Examination of Water and Wastewater," §212 (13th Edition), or any equivalent method authorized by the Borough.

BIOCHEMICAL OXYGEN DEMAND (BOD) — the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

BOROUGH — the Borough of Ambler, Montgomery County, Pennsylvania.

BUILDING DRAIN — that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — the extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER — a sewer intended to receive both wastewater and storm or surface water.

EASEMENT — an acquired legal right for the specific use of land owned by others.

EQUIVALENT DWELLING UNIT (EDU) — one single domestic connection. All non-domestic connections shall be assigned an EDU equivalency based on the following identity:

A. 1 EDU = 350 gallons per day

FLOATABLE OIL — oil, fat, or grease in a physical state that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE — the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES — the wastewater from industrial processes, trade, commerce or business as distinct from domestic or sanitary wastes.

NATURAL OUTLET — any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

MAY — is permissive (see "shall")

mg/l — milligram per liter.

PERSON — any individual, firm, company, association, society, corporation or group.

pH — the negative logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of 10-7.

PHOSPHATE (PO_4) — the quality of ortho, condensed and/or organically bound phosphates measurable by analyses described in §223 of "Standard Methods for the Examination of Water and Wastewater," 13th Edition, or any equivalent method authorized by the Borough.

POLLUTED WASTEWATER — wherein the groundwater is more than incidental and wherein the groundwater, surface water and stormwater contains contaminants not common to the remainder of the community.

PROPERLY SHREDDED GARBAGE — the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/4 inches (1.27 centimeters) in any dimension.

PUBLIC SAFETY COMMITTEE — the Public Safety Committee of the Borough of Ambler

PUBLIC SEWER — a common sewer controlled by a governmental agency or public utility

SANITARY SEWER — a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEWAGE — the spent water of a community. The preferred term is "wastewater."

SEWER — a pipe or conduit that carries wastewater or drainage water.

SHALL — is mandatory (see "may").

SLUG — any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation and/or shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (sometimes termed STORM SEWER) — a drain or sewer for conveying water, groundwater, subsurface water, or surface water from any source.

SUPERINTENDENT — the Borough Manager supervises wastewater collection facilities of the Borough of Ambler or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue, or an equivalent method authorized by the Authority.

TDS — the quantity of total dissolved solids measurable by the procedures described in §148 A of "Standard Methods for the Extermination of Water and Wastewater," 13th Edition, or an equivalent method authorized by the Borough.

TEN — that quantity of nitrogen measurable by the total Kjeldahl nitrogen test as described in §216 of "Standard Methods for the Examination of Water and Wastewater," 13th Edition, or any equivalent method authorized by the Borough.

UNPOLLUTED WATER — is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER — the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES — the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent and the residuals.

WASTEWATER TREATMENT WORKS — an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used and

synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

WATERCOURSE — a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 701, 11/9/1978, Art. 1; as amended by Ord. 785, 11/21/1983; and by Ord. 861, 12/17/1990, §1)

§18-202. Use of Public Sewers Required.

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Borough of Ambler, or in any area under the jurisdiction of said Borough any human or animal excrement, garbage or objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the Borough of Ambler, or in any area under the jurisdiction of said Borough, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part.

3. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Borough and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Borough, is hereby required at the owner's (owners) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Part within 90 days after date of official notice to do so.

(Ord. 701, 11/9/1978, Art. 2)

§18-203. Building Sewers and Connections; Permits.

1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Borough Manager.

2. There shall be two classes of building sewer permits:

   A. For residential and commercial service.

   B. For service to establishments producing industrial wastes.

   In either case, the owner(s) or his agent shall make application on a special form furnished by the Borough. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of

the Borough. A permit and inspection fee for a residential or commercial building sewer permit, or for an industrial building sewer permit shall be paid, according to rates established from time to time by resolution of Council, to the Borough at the time the application is filed. All building sewer permit applications, under Subsection 2B above, shall be reviewed and approved, in writing, by the Borough prior to permit issuance.

3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building. Additionally, all buildings which are newly erected as dwellings, except for apartment houses shall have separate sanitary sewer connections to each such unit located on the same lot.

5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Borough Manager, or his agent, to meet all requirements of this Part.

6. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building of the Borough and the Public Safety Committee. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

   Notwithstanding anything herein to the contrary, polyvinyl chloride (PVC) plastic pipe may be used in the construction of a sewer provided the specifications as prepared by the Borough Engineer entitled "PVC Gravity Sewer Pipe Specifications," TW 2/28/85, are fully complied with and backfill around the polyvinyl chloride (PVC) plastic pipe in nonpaved areas shall consist of six inches of stone screening under pipe, 12 inches of stone screening on top of pipe with soil on top. In paved areas (i.e., parking lot, driveway, street), backfill shall consist of six inches of stone screening under pipe, 12 inches of stone screening on top of pipe with modified stone to required height where finished with standard street restoration.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person(s) shall make connection of sump pumps, roof downspouts foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superinten-

dent for purposes of disposal of polluted surface, subsurface or groundwater drainage.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code [Chapter 5] or other applicable rules and regulations of the Borough or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Borough Manager before installation.

10. The applicant for the building sewer permit shall notify the Borough Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Borough Manager or his representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough.

12. No excavation, construction or connection work shall be commenced within an authority right-of-way until the owner, his agents and/or independent contractor shall have first filed a bond in double the amount of the cost of the work to be performed to be determined by the Borough, agreeing to indemnify and save harmless the authority against any and all loss, damages, costs and expenses which the authority may thereafter suffer, incur, be put to or pay by reason of the failure to complete properly any of the aforesaid excavation, construction or connection work. The term "owner," as used herein, shall be deemed to include the owner or owners in fee simple, lessees of the premises, occupiers, of the premises and other parties having a beneficial use or interest in the premises and occupying the same with the consent and permission of the owner of the fee title.

13. In the process of installing and connecting a building sewer to a sanitary sewer, no sanitary sewer shall remain open to inflow of groundwater, surface water and/or stormwater for more than 10 hours.

14. Sanitary sewers installed with unused points of connection for building sewers shall have said points of connection capped for watertight integrity prior to connection of the building sewer. The method of capping shall be one approved by the Borough Manager.

(Ord. 701, 11/9/1978, Art. 3; as amended by Ord. 785, 11/21/1983; by Ord 805, 5/20/1985, §§1-2; and by Ord. 861, 12/17/1990, §2)

§18-204. Protection from Damage.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to prosecution under the laws of the Commonwealth of Pennsylvania.

(Ord. 701, 11/9/1978, Art. 5)

§18-205. Power and Authority of Inspectors.

1. The Borough Manager and other duly authorized employees of the Borough, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this Part.

2. The Borough Manager or other duly authorized employee of the Borough are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

3. While performing the necessary work on private properties referred to in Subsection 1, the Borough Manager or duly authorized employees of the Borough shall observe all safety rules applicable to the premises established by the owner, and such owner shall be held harmless for injury or death to the Borough employees, and the Borough shall indemnify the owner against loss or damage to its property by Borough employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the owner to maintain safe conditions. For the purpose of this Section, the term "owner" is defined to mean and include the lawful owner of the premises, the tenant, lessee and any other person lawfully occupying the premises by and with the consent and permission of the owner.

4. The Borough Manager and other Borough authorized employees of the Borough, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Borough holds a right-of-way for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said right-of-way, which shall be done in full accordance with the terms of the right-of-way pertaining to the private property involved.

(Ord. 701, 11/9/1978, Art. 6; as amended by Ord. 785, 11/21/1983)

§18-206. Penalties.

1. Any person who shall violate any provision of this Part 2 (except §18-205, which is covered by State law) shall be served by the Borough with written notice stating the nature of the violation and providing a reasonable time limit, as determined by the Borough Manager and the Borough for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

3. Any person violating any of the provisions of this Part shall become liable to the Borough for any expense, loss, or damage occasioned the Borough by reason of such violation.

(Ord. 701, 11/9/1978, Art. 7; as amended by Ord. 785, 11/21/1983; and by Ord. 991, 8/15/2005)

B. Connections Within Borough Limits.

§18-211. Notice to Connect With Sewers.

Whenever any portion of the sewer system of the Borough of Ambler, including any branch or extension of the same, has been completed and is ready for public use, it shall be the duty of the Public Safety Committee to cause a printed, typed or written notice of such completion to be served in the manner hereinafter provided, on the owner, owners or occupiers of each property abutting on the highway, road, street, way, alley or walk along which such sewer has been laid.

(Ord. 264, 8/3/1936, §1; as amended by Ord. 399, 3/11/1957, §2)

§18-212. Service of Notice.

Whenever by the provisions of this Part it becomes necessary to serve any notice on any property owner, such service shall be deemed sufficient for all purposes if such notice shall have been left with the property owner personally, with a member of his family, or left with the known agent or occupant of the premises; and if there be no agent or occupant known to the Public Safety Committee, then it shall be sufficient if such notice shall have been posted on the premises.

(Ord. 264, 8/3/1936, §2; as amended by Ord. 399, 3/11/1957, §3)

§18-213. Conditions for Issuance of Permits for Connection.

Permits for the connection with the Borough sewers shall be issued by the Public Safety Committee or its agent upon application of an owner or owners upon:

A. Compliance with the rules and regulations set forth in the Borough Plumbing Code [Chapter 5, Part 5].

B. Payment to the Borough by the applicant of the actual cost to the Borough for the laying of laterals to the curb line and restoring the street surfaces.

(Ord. 264, 8/3/1936, §3; as amended by Ord. 332, 11/10/1947, §1; by Ord. 399, 3/11/1957, §4; by Ord. 604, 10/8/1973; and by Ord. 785, 11/21/1983)

§18-214. Authority for Borough to Make Connections and Collect Cost.

Upon the failure of any owner or owners of premises situated as aforesaid, having been duly notified as aforesaid to connect or cause to be connected any building or buildings to such sewer, or upon the failure to comply with the requirements and provisions of this Part or any other ordinance relative to the sewer system, the Public Safety Committee shall report such failure to the Borough Council, and Council, through the Public Safety Committee, may then cause the necessary connections to be made, and upon completion of such connection, shall submit a statement covering the costs of such work and file a duplicate thereof with the Borough Treasurer, to whom such statement shall be made payable for the use of the Borough. All bills remaining unpaid after the expiration of 30 days from the date thereof shall be referred to the Borough Solicitor for collection in the manner provided by law.

(Ord. 264, 8/3/1936, §5; as amended by Ord. 399, 3/11/1957, §5)

§18-215. Sewer Connection Charge Imposed.

There is hereby imposed upon each owner of property connecting to the sewer system after the effective date of this Section a connection charge in an amount as established, from time to time, by resolution of Borough Council.

(Ord. 506, 11/11/1963, §1; as amended by Ord. 991, 8/15/2005)

§18-216. Agreements for Extraordinary Sewage Service.

A duly executed and acknowledged contract shall be entered into between the Borough and any person or corporation desiring extraordinary sewage service for the disposal of

polluted waste, in such contract the parties may cover any items even if provided elsewhere herein for ordinary sewage service to the extent the parties agree, covering such items a manner of making plumbing and sewer connections, cost of laying and contracting lateral, sewer rental and costs of meter installation, etc. The user will have to agree to abide by the Borough rules and regulations, relating to sewers and to the terms of the agreement where inconsistent with the Borough general rules and regulations. Such agreements shall be deemed to be covenants running with the title and building on the land or premises served b the sewer under such contract and the contract shall expressly stipulate and provide that its terms, conditions and covenants shall run with the land in the hands of the party or parties to such contract, their heirs, administrators, successors and assigns.

(Ord. 264, 8/3/1936; as added by Ord. 861, 12/17/1990, §3)

C. Connections Outside Borough Limits.

§18-221. Cost and Manner of Constructing Sewers Outside Borough Limits.

Sanitary sewers laid out and constructed outside the Borough limits and connecting with the Borough sewer system shall be laid and constructed at the expense of the persons or corporations desiring such sewerage service; all such sewers shall be laid and constructed according to the Borough specifications and shall, during the course of construction, be inspected by a Borough inspector.

(Ord. 280, 11/3/1937, §1)

§18-222. Manner of Making Plumbing and Sewer Connections.

All plumbing and sewer connections shall be in accordance with Borough specifications and shall be subject to the same inspection as like plumbing and sewer connections within the Borough limits.

(Ord. 280, 11/3/1937, §2)

§18-223. Cost of Laying and Constructing Lateral.

The cost of laying and constructing the lateral from the sewer to the curb shall be paid by the person or corporation desiring to connect for such sewerage service.

(Ord. 280, 11/3/1937, §3)

§18-224. Sewer Rental Rates.

The sewer rental rates, fixed for the Borough, shall apply to sewerage service to persons and corporations outside the limits of the Borough unless provided to the contrary in any agreement entered into pursuant to §18-227 of this Part.

(Ord. 280, 11/3/1937, §4; as amended by Ord. 864, 12/17/1990, §4)

§18-225. Cost of Connection to Existing Borough Sewers.

Where sanitary sewers have already been laid and constructed in any street which forms a portion of the boundary dividing the Borough from the Township of Upper Dublin, or any other municipality, and where sanitary sewers have already been laid and constructed beyond the Borough limits into any other municipality, a charge in an amount as established, from time to time, by resolution of Borough Council shall be made and collected for each connection made to the existing Borough sewer.[1]

(Ord. 280, 11/3/1937, §5; as amended by Ord. 991, 8/15/2005)

§18-226. Cost of Connection to Sewers Constructed by Users.

Where sanitary sewers are laid and constructed outside the limits of the Borough by persons or corporations desiring sewerage service, a charge in an amount as established, from time to time, by resolution of Borough Council shall be made and collected for each connection made to such sewer.

(Ord. 280, 11/3/1937, §6; as amended by Ord. 991, 8/15/2005)

§18-227. Agreements for Sewerage Service Required.

A duly executed and acknowledged contract shall be entered into between the Borough and any person or corporation desiring such sewerage service; in such contract the agreement to pay sewer rental and other charges of the Borough in connection with the sewerage service, and to abide by the Borough rules and regulations relating to sewers, shall be deemed to be covenants running with the title and binding on the land or premises served by the sewer under such contract, and the contract shall expressly stipulate and provide that its terms, conditions and covenants shall run with the title and bind the land in the hands of the party or parties to such contract, their heirs, administrators, successors and assigns.

(Ord. 280, 11/3/1937, §7)

[1] **Editor's Note: See also Subpart D of this Part, § 18-231 et seq.**

§18-228. Application for Sewerage Service; All Charges to be Paid and Contracts Executed and Acknowledged Before Permit Issues.

Applications by persons or corporations residing without the Borough for sewerage service shall be made on forms similar to the forms of application for service within the Borough and no permit shall be issued until the payment of connection charges herein created are paid and the contracts herein provided for are duly executed and acknowledged by the proper parties.

(Ord. 280, 11/3/1937, §8)

D. Fees.

§18-231. Connection Fees Authorized.

The Borough has the power and authority to charge the following fees in conjunction with connections to the sanitary sewer system: connection fees, customer facilities fees, and tapping fees, all as defined in and authorized by the Pennsylvania Municipal Authorities Act and any implementing regulations.

(Ord. 1039, 6/16/2009)

§18-232. Criteria for Imposition of Tapping Fee.

1. The following criteria apply to the imposition of tapping fees by the Borough:

    A. For the capacity (treatment plant) portion of the calculation required by law, the fee is $1,439 per EDU of capacity required for connection.

    B. For the collection (sewer pipes sending flow to the plant) portion of the calculation required by law, the fee is $1,069 per EDU of capacity required for connection.

    C. Combining numbers "1" and "2" to arrive at a total tapping fee, the total tapping fee is $2,508 per EDU of capacity required for connection.

    D. Connection or customer facility fee charges (representing a fee for the inspection and testing of connections between a main and the building to be serviced) shall be as previously resolved and subject to amendment from time to time, and any such fee that is not a part of the tapping fee is unaffected by this Subpart D. The Borough of Ambler may also charge a property owner/developer for other costs incurred in connection with the extension of sewer mains, including plan reviews, permit applications, and administrative, legal and engineering expenses.

E. Capacity allocations for the purpose of determining the tapping fee are determined on the basis of a total wastewater flow of 221 gallons per day for connections within the Borough and 229 gallons per day for connections outside the Borough but within the treatment plant service area, i.e., those portions of Upper Dublin, Whitemarsh, Whitpain, and Lower Gwynedd Townships that are serviced by the Ambler Wastewater Treatment Plant. This reflects the difference between the 2.45 residents per household within Ambler Borough per the 2000 census, versus 2.54 residents countywide.

2. The tapping fee set forth herein was calculated in accordance with Act 57 by the Borough's retained engineers for the Borough sewer system for the collection portion and by the retained engineers for the wastewater treatment plant for the capacity portion. Their calculation methodologies are a part of the Borough's records and are available for public inspection upon request.

3. The calculations set forth herein may be modified from time to time by resolution of Council to keep them in accordance with law and regulations.

(Ord. 1039, 6/16/2009)

§18-233. Calculation of Applicable Number of EDUs.

This Subpart D is premised upon the assumption that one single-family residence is one equivalent dwelling unit, or EDU, whether a stand-alone dwelling, townhouse, row house, apartment unit, condominium unit, half of a twin, or otherwise. The purpose of the numbers set forth below is to identify certain known nonresidential uses and assign to each, based on historical data, the gallons per day typical of each use, stated as a multiple of the gallons that are typical of a household (example = a use that is assigned two EDUs has, on average, twice the daily flow of an average residential household). Where appropriate, the EDU equivalency is applied to a particular component of the use, such as the number of available seats or some other valid measure of customer water and sewer use. In all instances, there is a minimum EDU of one. For purposes of calculating the tapping fee set forth in this Subpart D, the EDU for the nonresidential use is multiplied by the per-EDU tapping fee set forth in the preceding Section. Where a new customer is utilizing an existing sewer connection and will have a higher use than the preceding customer at the same location, the EDU's to be used in the calculation will be the difference between the new use and the last prior use at the location.

Description of Improved Property	Unit of Measurement	EDU Equivalency
Automobile service station or commercial repair shop	1-3 bays	1
	Each additional 2 bays or fraction thereof	1
Banquet or ballroom	Up to 150 seating capacity	2
	Each additional 150 seats	1
Beauty parlor or barbershop (whether or not attached to a dwelling)	2 chairs	1
	Each additional 2 chairs or fraction thereof	1
Bowling alley (restaurant facilities, if included, shall add EDU's per restaurant category)	1-4 lanes	1
	Each additional 4 lanes or fraction thereof	1
Car wash	Each bay	1.5
Caterer	Off-site service	2
	On-site service	
	1-20 customer seats	1
	Each additional 20 seats or fraction thereof	1
Church/house of worship	Not including school or banquet facilities	1
Community college	1,000 square feet	0.425
Convenience store	Without fueling/1,000 square feet	0.5
	With fuel, no food prep	0.75
	With fuel and food prep	0.875
Dentist office	Chair	0.88
Doctors office	Exam room	0.88
Funeral home	Viewing room	0.88
Health/fitness center	1,000 square feet	2.64
Hospital	Bed	1.2
Hotel, motel, or boardinghouse (not including restaurant facilities)	1-4 rental rooms	1
	Each additional 4 rooms or fraction thereof	1
Industrial		
Light sanitary only	1,000 square feet	0.5
Wet; includes industrial processing area for wet purposes	230 gallons of process flow	1 EDU
Laundries	Each machine	1
Movie theaters	1-50 seats	1

Description of Improved Property	Unit of Measurement	EDU Equivalency
	Each additional 50 seats or fraction thereof	1
Nursing home	Bed	0.6
Office	1,000 square feet	0.5
Parks/picnics (sanitary waste only)	Picnic table	0.09
Residential dwelling (yearly or seasonal)	Each dwelling unit	1
Restaurant, club, tavern, or other retail food establishment	1-20 customer seats	1
	Each additional 20 seats or fraction thereof	1
Retail store, professional office, or other commercial enterprise[1, 2]	1-10 employees	1
	Each additional 10 employees or fraction thereof	1
Schools	1-25 students or staff	1
	Each additional 25 students or staff or fraction thereof	1
Day school w/o cafeteria, gym or showers	1,000 square feet	3.24
Day school w/ cafeteria, gym or showers	1,000 square feet	5.4

NOTES:

[1] With regard to retail stores, professional offices and other commercial enterprises, if the number of projected employees is not readily available, the EDU calculation shall be based upon an estimation of employees in accordance with the following formula:

 # employees = (gross building square footage) x (0.8) / (150 square feet/employee)

[2] In multi-tenant retail structures, the number of EDU's shall be calculated separately for each tenant space, with each tenant space being assessed a minimum of one EDU.

(Ord. 1039, 6/16/2009)

§18-234. Connection Fees.

Where appropriate, the Borough may, in addition to the tapping fee, request payment for the actual cost to the Borough of extending a line from the main to the property line or curb stop of the property to be connected.

(Ord. 1039, 6/16/2009)

§18-235. Customer Facility Fees.

Generally, costs for lines and facilities between the property boundary or curb stop to the building being served are the responsibility of the customer. If for any reason the Borough in its discretion elects to make such installation in a particular circumstance, the actual cost thereof may be charged to the customer as a customer facility fee.

(Ord. 1039, 6/16/2009)

§18-236. Payment.

Payment shall be made at the time service is requested unless the Borough makes other arrangements with the customer.

(Ord. 1039, 6/16/2009)

PART 3

STANDARDS FOR WASTEWATER CONTRIBUTIONS

A. General Provisions.

§18-301. Purpose and Policy.

1. This Part sets forth uniform requirements for direct and indirect contributors into the wastewater collection system for the Borough of Ambler (hereinafter "Ambler" and enables Ambler to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403, as amended).

2. The objectives of this Part are:

   A. To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge at the Ambler Wastewater Treatment Plant.

   B. To prevent the introduction of pollutants into the wastewater system which will pass-through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system.

   C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

   D. To provide for equitable distribution of the cost of operating the wastewater system.

   E. To protect the general public and treatment works personnel who may be affected by wastewater and sludge in the course of their employment.

   F. To enable the Borough of Ambler to comply with its National Pollution Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the treatment works is subject and to empower the treatment works to enforce penalties against violators as required by its enforcement response guide and by Federal and State law.

3. This Part provides for the regulations of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

4. This Part shall apply to Ambler and to persons outside Ambler who are users or significant users of the Ambler POTW, known as the Ambler Joint Wastewater Treatment Plant. Except as otherwise provided herein, the manager of Ambler POTW shall administer, implement and enforce the provisions of this Part.

(Ord. 902, 9/20/1993, §1.1)

§18-302. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases as used in this Part shall have the meanings hereinafter designated:

ACT or "THE ACT" — the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.

AMBLER — the Borough of Ambler.

APPROVAL AUTHORITY — the Regional Administrator of EPA.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL, COMMERCIAL, INSTITUTIONAL OR SIGNIFICANT INDUSTRIAL USER –

A. If the user is a corporation:

(1) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation.

(2) The manager of one or more manufacturing, production or operating facilities, provided that the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

C. If the user is a Federal, State or local facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

D. The individuals described in Subsections A through C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to Ambler Wastewater Treatment Plant.

BEST MANAGEMENT PRACTICES (BMPs) — schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the general and specific prohibitions found in 40 CFR 403.5(a)(1) and (b) and Chapter 18 of the Borough Code. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

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

BUILDING SEWER — a sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS — any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

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

CONTROL AUTHORITY — the term "control authority" shall refer to the Manager as Ambler has an approved pretreatment program under the provisions of 40 CFR 403.11.

DIRECT DISCHARGE — the discharge of treated or untreated wastewater directly to the water of the State of Pennsylvania.

ENVIRONMENTAL PROTECTION AGENCY (EPA) — the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

GRAB SAMPLE — a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE — any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDIRECT DISCHARGE — the discharge or the introduction of pollutants into the POTW, including holding tank waste discharged into the system.

INDUSTRIAL, COMMERCIAL OR INSTITUTIONAL USER — an industrial, commercial or institutional source of indirect discharge.

INDUSTRIAL, COMMERCIAL OR INSTITUTIONAL USER PERMIT — as set forth in §18-332 of this Part.

INTERFERENCE — a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore, is a cause of a violation of Ambler Wastewater Treatment Plant's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent State or local regulations, §405 of the Act, the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), any State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act and the Marine Protection, Research and Sanctuaries Act.

MANAGER — the person designated by Ambler to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part, or his duly authorized representative.

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

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD — any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§307(B) and (C) of the Act (33 U.S.C. §1317), which applied to a specific category of industrial users. (40 CFR, Chapter 1, Subchapter N, Parts 405-471).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD — any regulation developed under the authority of §307(b) of the Act, 40 CFR §403.5.

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

NEW SOURCE –

A. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §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:

(1) The building, structure, facility or installation is constructed at a site at which no other source is located.

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.

(3) The production or wastewater generating process 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.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A(2) or (3) above, but otherwise alters, replaces or adds to existing process or production equipment.

C. Construction of new source as defined under this subsection has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous onsite construction program:

(a) If any placement, assembly or installation of facilities or equipment.

(b) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.

(c) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its 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.

NON-CONTACT COOLING WATER — water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS-THROUGH — a discharge which exits the POTW 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 POTW's NPDES permit (including an increase in the magnitude of duration of violation).

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

pH — the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTION — the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POLLUTANT — any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g., temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

PRETREATMENT — the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PUBLICLY OWNED TREATMENT WORKS (POTW) — a treatment works as defined by §212 of the Act (33 U.S.C. §1292) which is owned by Ambler and operated for the benefit of Ambler and for the areas of the Townships of Lower Gwynedd, Upper Dublin, Whitpain and Whitemarsh served by the POTW pursuant to an agreement between and among the said municipalities dated December 16, 1959, as amended by several subsequent agreements. This defining includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Part, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons inside or outside Ambler and/or the Townships who are users of the POTW.

POTW TREATMENT PLANT — that portion of the POTW, owned by the Borough of Ambler and operated by the Borough of Ambler in participation with the Townships of Lower Gwynedd, Upper Dublin, Whitemarsh and Whitpain, which is designed to provide treatment to wastewater from each participating municipality.

SHALL — is mandatory, may is permissive.

SIGNIFICANT INDUSTRIAL USER –

A. Except as provided in Subsection B of this definition:

(1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR, Chapter I, Subchapter N.

(2) Any other industrial user that discharges and average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontract cooling and boiler blowdown wastewater), contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plan or is designated as such by the Borough as defined in 40 CFR §403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR §403.8(f)(6).

B. Upon finding that an industrial user meeting the criteria in Subsection A(2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Borough [as defined in 40 CFR §403.12(a)] may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR §403.8(f)(6) determine that such industrial user is not a significant industrial user.

SIGNIFICANT NONCOMPLIANCE (SNC) — an industrial user or user is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8(f)(2)(viii). For purposes of this definition, a user is in significant noncompliance if its violations meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable criterion (1.4 for

BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Borough determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Borough personnel or the general public).

D. Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Borough's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation(s), which may include violation of best management practices, which the Borough determines will adversely affect the operation or implementation of the local pretreatment program.

SIGNIFICANT USER PERMIT — as set forth in §18-333 of this Part.

SLUG DISCHARGE — any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) and/or any discharge of nonroutine nature, episodic nature, including but not limited to accidental spills or noncustomary batch discharges, which has a reasonable potential to cause interference or pass-through, or in any other way violate the Borough's regulations, prohibited discharge standards in this Part, local limits or NPDES permit conditions.

STATE — the State of Pennsylvania.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

SUPERINTENDENT — the person designated by Ambler to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part, or a duly authorized representative.

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.

TOXIC POLLUTANT — any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of CWA §307(a) or other acts.

USER — any person who contributes, causes or permits the contribution of wastewater into the POTW.

WASTEWATER — the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated which is contributed into or permitted to enter the POTW.

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.

(Ord. 902, 9/20/1993, §1.2; as amended by Ord. 1030, 12/16/2008; by Ord. 1046, 3/16/2010; and by Ord. 1057, 5/18/2011)

§18-303. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. §6901 et seq.
USC	United States Code

TSS Total suspended solids

(Ord. 902, 9/29/1993, §1.3)

B. Regulations.

§18-311. General Discharge Prohibitions.

1. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.

2. Specific Prohibitions. No use shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

   A. Pollutants which create a fire or explosive hazard in the POTW including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR §261.21.

   B. Wastewater having a pH less than 6.0 or more than 9.0 or otherwise causing corrosive structural damage to the POTW or equipment.

   C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 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, petroleum products (including plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil), mud, glass grinding or polishing wastes.

   D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW; except, however, that in the case of conventional pollutants, such discharge is permissible to the extent that it is in accordance with any enacted surcharge policy through which the discharger pays the AWTP for the treatment/removal of certain pollutants.

   E. Wastewater having a temperature greater than 120° F. or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).

F. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass-through.

G. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

H. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with §18-324 of this Part.

I. Noxious or malodorous liquids (including automobile antifreeze), gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair.

J. Wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Ambler's NPDES permit.

K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.

L. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by Ambler Wastewater Treatment Plant.

M. Sludges, screenings or other residues from the pretreatment of industrial wastes.

N. Medical wastes, except as specifically authorized by Ambler Wastewater Treatment Plant in a wastewater discharge permit.

O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

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

Q. Fats, oils or greases of animal or vegetable origin in concentrations greater than are stated elsewhere herein.

R. Wastewater causing two reading on an explosion hazard meter at the point of discharge into the POTW or at any point in the POTW of more than 5% or any single reading over 10%.

3. Pollutants, substances or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. 902, 9/20/1993, §2.1)

§18-312. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by reference as if set forth fully herein.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, Ambler Wastewater Treatment Plant may impose equivalent concentration or mass limits in accordance with 40 CFR §403.6(c).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, Ambler Wastewater Treatment Plan shall impose an alternate limit using the combined waste stream formula in 40 CFR §403.6(e).

C. A user may obtain a variance from a categorical pretreatment 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 EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR §403.15.

(Ord. 902, 9/29/1993, §2.2)

§18-313. State Pretreatment Standards.

1. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following:

Toxic Pollutants	Limit (mg/L)
Arsenic	0.53
Aluminum	12.23
Cadmium	0.02
Chromium(T)	6.01
Chromium, Hexavalent	0.39
Copper	0.80
Cyanide(T)	0.34

Toxic Pollutants	Limit (mg/L)
Lead	0.13
Mercury	0.005
Molybdenum	Monitor only
Nickel	0.46
Phenols	3.59
Selenium	0.11
Silver	0.26
Zinc	8.95

2. The above limits apply at the point where the wastewater is discharged to the POTW, which for purposes of this Part includes all points within and throughout the distribution system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. Ambler Wastewater Treatment Plant may impose mass limitations in addition to, or in place of, the concentration based limitations above.

3. The Borough, at its sole discretion, may develop best management practices (BMPs) to comply 40 CFR 403.5(c)(1). Such BMPs shall be considered local limits and pretreatment standards for the purposes of 40 CFR 403 and Section 307(d) of the Clean Water Act and can be implemented as wastewater discharge permit conditions. The Borough, also at its sole discretion, may allow a user to implement BMPs to meet the prohibitions found in 40 CFR 403.5(a)(1) and (b) and Chapter 18 of the Borough Code.

(Ord. 902, 9/20/1993, §2.4; as amended by Ord. 911, 3/21/1955, §1; by Ord. 947, 3/20/2000, §1; by Ord. 1009, 5/21/2007; and by Ord. 1057, 5/18/2011)

§18-314. Ambler Wastewater Treatment Plant's Right of Revision.

Ambler Wastewater Treatment Plant reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(Ord. 902, 9/20/1993, §2.5)

§18-315. Dilution.

No user shall ever increase the use of process 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. Ambler Wastewater Treatment Plant may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

(Ord. 902, 9/20/1993, §2.5)

C. Pretreatment of Wastewater

§18-321. Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this Part and shall comply with all categorical pretreatment standards, local limits and the prohibitions set out in §18-411 of this Part within the time limitations specified by EPA, the State or Ambler Wastewater Treatment Plant, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to Ambler Wastewater Treatment Plant for review and shall be acceptable to Ambler Wastewater Treatment Plant before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Ambler Wastewater Treatment Plant under the provisions of this Part.

(Ord. 902, 9/20/1993, §3.1)

§18-322. Additional Pretreatment Measures.

1. Grease Traps.

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

      BOROUGH — Ambler Borough.

      GREASE TRAP — a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of fat, oil, grease, organic, inorganic, liquid, semiliquid, semisolid, or solid waste from wastewater prior to discharge to the WWTP.

      GREASE TRAP WASTE — fat, oil, grease, organic, inorganic, liquid, semiliquid, semisolid, or solid waste collected by and removed from a grease trap.

      LIQUID WASTE HAULER — a person who removes, transports, and discharges all or part of the contents of a septic tank, chemical toilet, grease trap, grit trap, holding tank, wastewater treatment plant, or other holding or treatment system for hauled liquid waste to a waste treatment system, waste reduction system, waste recovery system, or waste disposal site.

   B. Limit on Discharge of Fat, Oil or Grease.

(1) Except as authorized by this regulation, a person may not discharge fat, oil, grease, or similar material to the WWTP in excess of an instantaneous maximum allowable limit of 200 milligrams per liter.

(2) If necessary to protect the WWTP or sanitary sewer, the Borough may issue a permit, order, or rule that assigns the limits on discharge of fat, oil, grease or a similar substance as:

(a) Instantaneous maximum allowable limits;

(b) Daily average limits;

(c) Daily maximum limits;

(d) Monthly average limits; or

(e) Limits of other sampling duration or averaging period.

(3) Waste that does not contain grease, fats or oils and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system. Wastewater from dishwasher machines or wastewater that otherwise exceeds 130° F. shall not be introduced into any interior grease recovery device. Food-waste grinders shall not discharge into the building drainage system through a grease trap or grease recovery device.

C. Required Sample Collection Techniques.

(1) Except as otherwise provided in this Section or by applicable Federal, State, or local law, a person that discharges wastewater containing industrial waste or other prohibited waste must collect a wastewater sample using flow proportional composite collection techniques.

(2) If the Borough determines that flow proportional sampling is not feasible, the Borough may authorize the use of:

(a) Time proportional sampling;

(b) Sampling of a minimum of four grab samples; or

(c) Other applicable approved sampling procedure, provided that the procedure collects a representative sample of the discharged effluent.

(3) A person shall use grab collection techniques to obtain samples of fat, oil, grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals.

D. Requirements for Cleaning Grease Traps.

(1) A person who discharges wastewater from a grease trap to the WWTP shall:

(a) Completely remove all fat, oil, or grease waste, other liquid waste, semisolid or solid and residue from the grease trap when the grease trap is cleaned; and

(b) Clean the grease trap the earlier of:

[1] At least every three months; or

[2] When 50% or more of the wetted height of the grease trap, as measured from the bottom of the grease trap to the invert of the outlet pipe, contains grease and solids.

(2) The Borough may reduce the cleaning frequency requirement in writing if the Borough determines, based on written documentation submitted by the generator, that the reduced cleaning frequency does not contribute to or cause a violation of this Part.

(3) A person cleaning a grease trap shall dispose of the waste removed from a grease trap in accordance with Federal, State, and local regulations.

(4) The Borough may establish other cleaning requirements for grease traps as necessary to protect the WWTP or a portion of the sanitary sewer system.

E. Miscellaneous Requirements.

(1) All restaurants or other businesses that prepare and serve food shall provide interceptors or traps.

(2) To the extent not covered by this Section, all devices shall comply with any uniform plumbing code adopted by the Borough.

(3) Collected materials shall be disposed of in accordance with any existing laws and regulations concerning such disposal, including the requirement that any hauler thereof hold a permit for same. Collected materials may never be reintroduced to any part of the collection system.

(4) There is no fee for the Borough's inspection of a grease trap. However, where a problem has been identified that requires a reinspection to confirm compliance, there shall be a fee of $50 for each required reinspection.

(5) Maintenance records pertaining to grease traps shall be maintained for a period of three years on site.

2. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 902, 9/20/1993, §3.2; as amended by Ord. 1019, 8/19/2008)

§18-323. Accidental Discharge/Slug Control Plans.

1. An Accidental Discharge/Slug Control Plan, as prescribed under 40 CFR 403.8(f)(2)(vi), may be required:

   A. For all new sources/new users. Where required by the Borough, detailed plans showing facilities and operating procedures to provide protection from accidental discharges or slugs shall be submitted to the Borough for review and shall be approved by the Borough before construction of the facility.

   B. For existing sources/new users. The Borough shall evaluate whether each new user needs an Accidental Discharge/Slug Control Plan within one year of the date of inclusion in the Industrial Pretreatment Program.

   C. For existing sources/existing users. The Borough shall evaluate whether each user needs an Accidental Discharge/Slug Control Plan on a routine basis.

2. If an Accidental Discharge/Slug Control Plan is required, the Borough may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Borough may develop such a plan for any user. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following:

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

   B. Description of stored chemicals.

   C. Procedures for immediately notifying the Borough of any accidental or slug discharge.

   D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall 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.

3. When an existing source is required by the Borough to provide and/or modify an Accidental Discharge/Slug Control Plan, the user shall provide the plan within 60 days of notification. Should the plan require construction or implementation of measures to meet compliance, the plan shall provide a schedule for those actions. After initial review, should additional information be required to provide a complete plan, it shall be furnished to the Borough within 30 days. Failure to submit a revised plan and/or failure to provide a complete plan after the thirty-day submission period may render the wastewater discharge permit void.

4. The Borough's review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part.

5. If not specifically required by the Borough, the information, requirements, etc., called for in a plan are not waived by the Borough and the users shall, in their own and sole judgment provide all necessary items, procedures, etc., to prevent any accidental discharge and/or slug discharge to the POTW.

6. All users are required to notify the Borough immediately of any changes at their facilities affecting the potential for an accidental discharge and/or slug discharge to the POTW. This requirement can be implemented as a wastewater discharge permit condition as necessary.

(Ord. 902, 9/20/1993, §3.3; as amended by Ord. 1030, 12/16/2008; and by Ord. 1057, 5/18/2011)

§18-324. Hauled Wastewater.

1. Septic tank waste may be introduced into the POTW only at locations designated by Ambler Wastewater Treatment Plan and at such times as are established by Ambler Wastewater Treatment Plant. Such waste shall not violate Subpart B of this Part or any other requirements established by Ambler Wastewater Treatment Plant. Ambler Wastewater Treatment Plant may require septic tank waste haulers to obtain wastewater discharge permits.

2. Ambler Wastewater Treatment Plant shall require haulers of industrial waste to obtain wastewater discharge permits. Ambler Wastewater Treatment Plant may require generators of hauled industrial waste to obtain wastewater discharge permits. Ambler Wastewater Treatment Plan also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part.

3. Industrial waste haulers may discharge loads only at locations designated by Ambler Wastewater Treatment Plan. No load may be discharged without prior consent of Ambler Wastewater Treatment Plant. Ambler Wastewater Treatment Plan may collect samples of each hauled load to ensure compliance with applicable

standards. Ambler Wastewater Treatment Plant may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

(Ord. 902, 9/20/1993, §3.4)

D. Wastewater Discharge Permit Application.

§18-331. Wastewater Analysis.

When requested by Ambler Wastewater Treatment Plant, a user must submit information on the nature and characteristics of its wastewater within five days of the request. Ambler Wastewater Treatment Plant is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. 902, 9/20/1993, §4.1)

§18-332. Wastewater Discharge Permit Requirement.

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from Ambler Wastewater Treatment Plant, except that a significant industrial user that has filed a timely application pursuant to §18-333 of this Part may continue to discharge for the time period specified therein.

2. Ambler Wastewater Treatment Plant may require other users to obtain wastewater discharge permit as necessary to carry out the purposes of this Part.

3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subject the wastewater discharge permittee to the sanctions set out elsewhere in this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(Ord. 902, 9/20/1993, §4.2)

§18-333. Wastewater Discharge Permitting; New Connections.

1. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge.

2. An application for this wastewater discharge permit, in accordance with §18-335 of this Part, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

(Ord. 902, 9/20/1993, §4.3)

§18-334. Wastewater Discharge Permit Application Contents.

All users required to obtain a wastewater discharge permit must submit a permit application. Ambler Wastewater Treatment Plant may require all users to submit as part of an application the following information:

A. All information required pursuant to baseline monitoring reports as described elsewhere in this Part.

B. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

C. Number and type of employees, hours of operation and proposed or actual hours of operation.

D. Each product produced by type, amount, process or processes and rate of production.

E. Type and amount of raw materials processed (average and maximum per day).

F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge.

G. Time and duration of discharges.

H. Any other information as may be deemed necessary by Ambler Wastewater Treatment Plant to evaluate the wastewater discharge permit application.

(Ord. 902, 9/20/1993, §4.4)

§18-335. Application Signatories and Certification.

All wastewater discharge permit applications and use 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."

(Ord. 902, 9/20/1993, §4.5)

§18-336. Wastewater Discharge Permit Decisions.

Ambler Wastewater Treatment Plant will evaluate the date furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, Ambler Wastewater Treatment Plant will determine whether or not to issue a wastewater discharge permit. Ambler Wastewater Treatment Plant may deny any application for a wastewater discharge permit.

(Ord. 902, 9/20/1993, §4.6)

E. Wastewater Discharge Permit Issuance Process.

§18-341. Wastewater Discharge Permit Duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the decision of Ambler Wastewater Treatment Plant. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. 902, 9/20/1993, §5.1)

§18-342. Wastewater Discharge Permit Contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by Ambler Wastewater Treatment Plant 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 and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to Ambler Wastewater Treatment Plant in accordance with §18-345 of this Part and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) Effluent limits based on applicable pretreatment standards.

(4) Self monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law.

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization.

(2) 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.

(3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(8) Other conditions as deemed appropriate by Ambler Wastewater Treatment Plan to ensure compliance with this Part and State and Federal laws, rules and regulations.

(Ord. 902, 9//20/1993, §5.2)

§18-343. Wastewater Discharge Permit Appeal.

Ambler Wastewater Treatment Plant shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition Ambler Wastewater Treatment Plant to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. 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.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If Ambler Wastewater Treatment Plan fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas of Montgomery County, Pennsylvania, within the period proscribed by Pennsylvania's Local Agency Law, 2 Pa.C.S.A. §105 et seq.

(Ord. 902, 9/20/1993, §5.3)

§18-344. Wastewater Discharge Permit Modification.

Ambler Wastewater Treatment Plant may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State or local pretreatment standards or requirements.

B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

D. Information indicating that the permitted discharge poses a threat to Ambler Wastewater Treatment Plant's POTW, Ambler Wastewater Treatment Plant's personnel or the receiving waters.

E. Violation of any terms or conditions of the wastewater discharge permit.

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR §403.13.

H. To correct typographical or other errors in the wastewater discharge permit.

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

(Ord. 902, 9/20/1993, §5.4)

§18-345. Wastewater Discharge Permit Transfer.

1. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to Ambler Wastewater Treatment Plant and Ambler Wastewater Treatment Plant approves the wastewater discharge permit transfer. The notice to Ambler Wastewater Treatment Plant must include a written certification by the new owner or operator which:

   A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

   B. Identifies the specific date on which the transfer is to occur.

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

2. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Ord. 902, 9/20/1993, §5.5)

§18-346. Wastewater Discharge Permit Revocation.

1. Ambler Wastewater Treatment Plant may revoke a wastewater discharge permit for good cause including, but not limited to, the following reasons:

A. Failure to notify Ambler Wastewater Treatment Plant of significant changes to the wastewater prior to the changed discharge.

B. Failure to provide prior notification to Ambler Wastewater Treatment Plant of changed conditions pursuant to §18-355 of this Part.

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

D. Falsifying self-monitoring reports.

E. Tampering with monitoring equipment.

F. Refusing to allow Ambler Wastewater Treatment Works timely access to the facility premises and records.

G. Failure to meet effluent limitations.

H. Failure to pay fines.

I. Failure to pay sewer charges.

J. Failure to meet compliance schedules.

K. Failure to complete a wastewater survey or the wastewater discharge permit application.

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility.

M. Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this Part.

2. Wastewater discharge permits shall be voidable upon cessation of operation 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.

(Ord. 902, 9/20/1993, §5.6)

§18-347. Wastewater Discharge Permit Reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with §18-335 of this Part, a minimum of 180 days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. 902, 9/20/1993, §5.7)

§18-348. Regulation of Waste Received from Other Jurisdictions.

1. Pursuant to the Pennsylvania Pretreatment Works Penalty Law (35 P.S. §752.1 et seq.), the Ambler Wastewater Treatment Plant reserves the right to regulate waste entering the plant regardless of its point of origin.

2. Each municipality which participates in the operation of the treatment plant shall, in accordance with various intermunicipal agreements signed by them, enforce their respective sewer use ordinances with respect to the discharges within each of their jurisdictions. Whenever possible, the enforcement of a particular municipality's sewer use ordinance shall be a joint and cooperative effort between the subject municipality and staff from Ambler Wastewater Treatment Plant and/or Borough of Ambler, which has primary responsibility for plant operations. In the event that any municipality fails or refuses to enforce its sewer use ordinance after the Ambler Wastewater Treatment Plant or the Borough of Ambler has made a determination that such enforcement is necessary, then the Ambler Wastewater Treatment Plant and the Borough of Ambler reserve all rights which they may have to either undertake enforcement pursuant to the Pennsylvania Pretreatment Works Penalty Law and/or to seek enforcement of any intermunicipal agreement which may require the cooperation of the municipality which fails or refuse to act.

(Ord. 902, 9/20/1993, §5.8)

F. Reporting Requirements.

§18-351. Baseline Monitoring Reports.

1. Within either 180 days after the date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR §403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to Ambler Wastewater Treatment Plant a report which contains the information listed in Subsection (2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subject to the promulgation of an applicable categorical standards shall submit to Ambler Wastewater Treatment Plant a report which contains the information listed in Subsection (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. Users described above shall submit the information set forth below:

   A. Identifying Information. The name and address of the facility, including the name of the operator and owner.

   B. Environmental Permits. A list of any environmental control permits held by or for the facility.

   C. Description of Operations. A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

   D. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combine waste stream formula set out in 40 CFR §403.6(e).

   E. Measurement of Pollutants.

      (1) The categorical pretreatment standards applicable to each regulated process.

      (2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by Ambler Wastewater Treatment Plant 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. The sample shall be representative of daily operations and

shall be analyzed in accordance with procedures set out elsewhere in this Part.

(3) Sampling must be performed in accordance with the procedures set out elsewhere in this Section of this Part.

(4) If a user must implement a BMP to comply with Federal pretreatment standards or requirements, the user shall provide all mandatory BMP compliance information.

F. Certification. A 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 and M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

G. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in this Section of this Part.

H. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Part 3D of this Part.

(Ord. 902, 9/20/1993, §6.1; as amended by Ord. 1057, 5/18/2011)

§18-352. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by §18-251.2G of this Part:

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 (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 above shall exceed nine months.

C. The user shall submit a progress report to Ambler Wastewater Treatment Plant no later than 14 days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied

with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule.

D. In no event shall more than nine months elapse between such progress reports to Ambler Wastewater Treatment Plant.

(Ord. 902, 9/20/1993, §6.2)

§18-353. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Abler Wastewater Treatment Plant a report containing the information described in §18-351.2D through F of this Part. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §404.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment 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 must be signed and certified in accordance with §18-356 of this Part.

(Ord. 902, 9/20/1993, §6.3; as amended by Ord. 1057, 5/18/2011)

§18-354. Periodic Compliance Reports.

1. All significant industrial users shall, at a frequency determined by Ambler Wastewater Treatment Plant, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Subpart D of this Part. In the event that the months for submission of the reports are altered by Ambler Wastewater Treatment Plant, factors such as local, high or low flow rates, holiday, budget cycles, etc., shall be taken into consideration.

   A. The Borough may elect to complete monitoring on behalf of any user to meet the requirements of the industrial pretreatment program. Should the Borough notify the user that it will complete monitoring on behalf of the user, the user is not required to submit the semiannual monitoring reports as described in the previous paragraph.

2. All wastewater samples must be representative of the normal discharges occurring during the reporting period. 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 its monitoring facility in good working order shall not be grounds for the user to claim that samples results are unrepresentative of its discharge.

3. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by Ambler Wastewater Treatment Plan, using the procedures prescribed in this subpart, the results of this monitoring shall be included in the report.

4. If a user must implement a BMP to comply with Federal pretreatment standards or requirements or any other permit condition, the user shall submit any and all documentation required by the Borough or by the Federal pretreatment standard at the frequency specified by the Borough to evaluate compliance. The Borough may also require any user to submit any information or data at any frequency it deems necessary to determine compliance Federal, State or local regulations.

(Ord. 902, 9/20/1993, §6.4; as amended by Ord. 1030, 12/16/2008; and by Ord. 1057, 5/18/2011)

§18-355. Reports of Changed Conditions.

Each user must notify Ambler Wastewater Treatment Plant of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

A. Ambler Wastewater Treatment Plant 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 Part 3D of this Part.

B. Ambler Wastewater Treatment Plant may issue a wastewater discharge permit under Part 3D of this Part or modify an existing wastewater discharge permit under Part 3E of this Part in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater and the discharge of any previously unreported pollutants.

(Ord. 902, 9/20/1993, §6.5)

§18-356. Reports of Potential Problems.

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall imme-

diately telephone and notify Ambler Wastewater Treatment Plant of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user, along with the identity of the person or persons believed to be responsible for the discharge.

2. Within five days following such discharge, the user shall, unless waived by Ambler Wastewater Treatment Plant, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage 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, penalties or other liability which may be imposed pursuant to this Part.

3. A notice shall be permanently post on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection (1) above. Employers shall ensure that all employees, who may cause such discharge to occur, are advised of the emergency notification procedure.

(Ord. 902, 9//20/1993, §6.6)

§18-357. Reports to Unpermitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to Ambler Wastewater Treatment Plant as Ambler Wastewater Treatment Plant may require.

(Ord. 902, 9/20/1993, §6.7)

§18-358. Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify Ambler Wastewater Treatment Plant within 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 Ambler Wastewater Treatment Plant within 30 days after becoming aware of the violation. The user is not required to resample if Ambler Wastewater Treatment Plant monitors at the user's facility at least once a month or if Ambler Wastewater Treatment Plant samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. 902, 9/20/1993, §6.8)

§18-359. Notification of the Discharge of Hazardous Waste.

1. Any user who commences the discharge of hazardous waste shall notify the Ambler Wastewater Treatment Plant, the EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the Ambler Wastewater Treatment Plant of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number and the type of discharge (continuous batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the Ambler Wastewater Treatment Plant, 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 wastes, as estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under §18-355 of this Part. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§18-351, 18-353 and 18-354 of this Part.

2. Discharges are exempt from the requirements of Subsection (1) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e). Discharge of more than 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.

3. In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

4. 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.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder or any applicable Federal or State law.

(Ord. 902, 9/20/1993, §6.9)

§18-360. Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 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 EPA.

(Ord. 902, 9/20/1993, §6.10)

§18-361. Sample Collection.

1. Except as indicated in Subsection 2 below, the user must collect wastewater samples using flow proportional composite collection techniques. Ambler Wastewater Treatment Plant may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

(Ord. 902, 9/20/1993, §6.11; as amended by Ord. 1057, 5/18/2011)

§18-362. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United Sates Postal Service, the date of receipt of the report shall govern.

(Ord. 902, 9/20/1993, §6.12)

§18-363. Recordkeeping.

Users subject to the reporting requirements of this Part shall maintain, and make available for inspection and copying by the Borough, all records of information obtained pursuant to any monitoring activities required by this Part, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and records associated with implementation of BMPs. Records shall include the date, exact place, method, and 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 and any other information or data deemed necessary by the Borough. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the Borough, or where the user has been specifically notified of a longer retention period by the Borough.

(Ord. 902, 9/20/1993, §6/13; as amended by Ord. 1030, 12/16/2008; and by Ord. 1057, 5/18/2011)

G. Compliance Monitoring.

§18-371. Right of Entry; Inspection and Sampling.

Ambler Wastewater Treatment Plant shall have the right to enter the premises of any user, without notice, to determine whether the user is complying with all requirements of this Part and any wastewater discharge permit or order issued hereunder. Users shall allow Ambler Wastewater Treatment Plant ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

A. 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, Abler Wastewater Treatment Plant will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. Ambler Wastewater Treatment Plant 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.

C. Ambler Wastewater Treatment Plant may require the user to install monitoring equipment as necessary. 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 to ensure their accuracy.

D. 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 Ambler Wastewater Treatment Plant and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing Ambler Wastewater Treatment Plant access to the user's premises shall be a violation of this Part.

F. When it would be impractical or cause undue hardship on the user to situate the monitoring facility on the user's premises, the Borough may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper condition at the expense of the user.

(Ord. 902, 9/20/1993, §7.1)

§18-372. Search Warrants.

If Ambler Wastewater Treatment Plant has been refused access to a building, structure or property, or any part thereof, an is able to demonstrate probable cause to believe that there may be a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of Ambler Wastewater Treatment Plant designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then Abler Wastewater Treatment Plant may seek issuance of a search warrant from the district justice in whose jurisdiction the property is situate.

(Ord. 902, 9/20/1993, §7.2)

H. Confidential Information.

§18-375. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from Ambler Wastewater Treatment Plant's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of Ambler Wastewater Treatment Plant, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should 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 or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR §2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 902, 9/20/1993, §8)

I. Publication of Users in Significant Noncompliance.

§18-381. Publication of Users in Significant Noncompliance.

The Borough shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3 (l) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Borough determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Borough personnel or the general public).

D. Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Borough's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation(s), which may include violation of best management practices, which the Borough determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 902, 9/20/1993, §9; as amended by Ord. 1030, 12/16/2008; and by Ord. 1057, 5/18/2011)

J. Enforcement Remedies.

§18-385. Enforcement Remedies.

The Borough of Ambler and the Ambler Wastewater Treatment Plant in conjunction with the participating municipalities (Whitemarsh Township, Whitpain Township, Lower Gwynedd Township, Upper Dublin Township) are fully empowered to undertake all enforcement remedies set forth below in order to assure user compliance with all State and Federal laws and regulations. The enforcement actions described herein will be undertaken pursuant to Ambler Wastewater Treatment Plant's duly adopted and EPA approved Enforcement Response Guide, a Federally mandated statement of policy which provides fair and even application of all enforcement remedies to users in violation, such document being available at all times for public inspection. In addition, Ambler and the Ambler Wastewater Treatment Plant retain each and every right and power granted pursuant to the Publicly Owned Treatment Works Penalty Law, 35 P.S. §752.1 et seq. in addition to any amendments thereto.

(Ord. 902, 9/20/1993, §10)

§18-386. Surcharge in Lieu of Enforcement Remedy.

With respect to conventional pollutants, Ambler Wastewater Treatment Plant may, from time to time, and at its discretion, adopt a policy whereby certain specifically identified conventional pollutants are permissibly discharged to the Ambler Wastewater Treatment Plan for removal at the plant, with the cost of such removal to be borne by the discharger. Ambler Wastewater Treatment Plant may expand or limit the list of conventional pollutants to which this surcharge system applies based upon the plant's capacity/ability to effectively remove particular conventional pollutants. In the event that a conventional pollutant is within the scope of the surcharge system as it exists at the time of discharge, then such conventional pollutant discharge shall not be considered a violation of this Part. However, any failure to pay the surcharge cost for the plant's removal of the pollutant shall itself be considered a violation of this Part and subject to enforcement action, in addition to all generally held rights of collection.

(Ord. 902, 9/20/1993)

K. Administrative Remedies.

§18-391. Notification of Violation.

When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, Ambler Wastewater Treatment Plant may serve upon that use a written notice of violation. The specific manner in which such notice of violation shall issue and the terms and conditions pursuant to which the user shall respond or correct the violation complained of shall be as set forth in the Enforcement Response Guide. When the notice of violation includes a plan for dissatisfactory correction and prevention of the violation, submission of such 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 Ambler Wastewater Treatment Plant to take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.

(Ord. 902, 9/20/1993, §10A.1)

§18-392. Consent Orders.

Ambler Wastewater Treatment Plant may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same effect as the administrative orders authorized elsewhere in this Section of this Part and shall be judicially enforceable.

(Ord. 902, 9/20/1993, §10A.2)

§18-393. Show Cause Hearing.

1. Ambler Wastewater Treatment Plant may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before Ambler Wastewater Treatment Plant and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered mail at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

2. Any hearing conducted pursuant to this Section shall be presided over by the Ambler Joint Wastewater Treatment Plant Committee (hereinafter "Committee"), composed of five persons, one person designated by each member municipality, why the proposed enforcement action should not be taken. In the event that any municipality fails to designate a hearing participant, then the Borough of Ambler shall designate an individual to so serve. The Committee may itself conduct a hearing and take the evidence or may designate any of its members or any officer or employee of Ambler or Ambler Wastewater Treatment Plant to:

   A. Issue in the name of the Committee, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

   B. Take the evidence.

   C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Committee for action thereon.

3. At any hearing held pursuant to this Part, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

4. After the Committee has reviewed the evidence, it may issue an order, through the Manager (who shall actually issue the order), to the user responsible for the discharge directing that following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives, as are necessary and appropriate, may be issued.

5. Any user aggrieved by the enforcement of this Part may take an appeal to the Court of Common Pleas of Montgomery County, Pennsylvania, in accordance with the provisions of the Local Agency Law, 2 Pa.C.S.A., §105 et seq., and have a hearing thereon if the appeal is taken within 15 calendar days of the user's receipt of any order or notice under the applicable Section. The hearing shall be conducted in accordance with the procedures set forth in §18-344 hereof.

(Ord. 902, 9/20/1993, §10A.3)

§18-394. Compliance Order.

When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, Ambler Wastewater Treatment Plan may issue an order to the user responsible for the discharge directing

that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 902, 9/20/1993, §10A.4)

§18-395. Cease and Desist Orders.

1. When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, Ambler Wastewater Treatment Plant may issue an order to the user directing it to cease and desist all such violations and directing the user to:

    A. Immediately comply with all requirements.

    B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other against the user.

(Ord. 902, 9/20/1993, §10A.5)

§18-396. Administrative Fines.

1. When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, Ambler Wastewater Treatment Plant may fine such user in an amount not to exceed $25,000 or any greater amount which might be permitted by amendment to the POTW penalty law. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. The actual amount of the fine in a particular case shall account for the factors set forth in the Enforcement Response Guide and also Ambler Wastewater Treatment Plant's separately adopted statement of policy on the imposition of fines pursuant to the POTW penalty law.

2. Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed an additional penalty of 6% of the unpaid balance and interest shall accrue thereafter at a rate of 6% per month. A lien against the user's property will be sought for unpaid charges, fines and penalties.

3. Users desiring to dispute such fines must file a written request for Ambler Wastewater Treatment Plant to reconsider the fine along with full payment of the fine amount within 20 days of being notified of the fine. Where a request has merit, Ambler Wastewater Treatment Plant may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. Ambler Wastewater Treatment Plant may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

4. Issuance of an administrative fine shall not be a bar against or a prerequisite for taking any other action against the user.

(Ord. 902, 9/20/1993, §10A.6)

§18-397. Emergency Suspensions.

1. Ambler Wastewater Treatment Plant may immediately suspend a user's discharge, after informal 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. Ambler Wastewater Treatment Plant may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present an endangerment to the environment.

   A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, Ambler Wastewater Treatment Plan may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. Ambler Wastewater Treatment Plant may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of Ambler Wastewater Treatment Plant that the period of endangerment has passed, unless the termination proceedings in §18-398 of this Part are initiated against the user.

   B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to Ambler Wastewater Treatment Plant prior to

the date of any show cause or termination hearing described elsewhere in this Section of the Part.

2. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(Ord. 902, 9/20/1993, §10A.7)

§18-398. Termination of Discharge.

1. In addition to the provisions in Subpart 3E of this Part, any user who violates the following conditions is subject to discharge termination:

   A. Violation of wastewater discharge permit conditions.

   B. Failure to accurately report the wastewater constituents and characteristics of its discharge.

   C. Failure to report significant changes in operation or wastewater volume, constituents and characteristics prior to discharge.

   D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

   E. Violation of the pretreatment standards in Part 3B of this Part.

2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §18-393 of this Part why the proposed action should not be taken. Exercise of this option by Ambler Wastewater Treatment Plant shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 902, 9/20/1993, §10A.8)

L. Judicial Enforcement Remedies.

§18-399. Injunctive Relief.

When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, Ambler Wastewater Treatment Plant may petition the Court of Common Pleas of Montgomery County, through the attorney for Ambler Wastewater Treatment Plant, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this Part on activities of the user. Ambler Wastewater Treatment Plan may

also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 902, 9/20/1993, §10B.1)

§18-399.01. Civil Penalties.

In the event that Ambler Wastewater Treatment Plant is required to seek court redress, for violations of this Part, then all amounts recoverable elsewhere herein as administrative fines shall be recoverable as civil penalties, attorney's fees, court costs and related expenses shall also be recoverable. Filing suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 902, 9/20/1993, §10B.2)

§18-399.02. Criminal Prosecution.

In the event that any discharge or other violation of this Part constitutes a violation of any criminal or penal statute, then in addition to all enforcement remedies described elsewhere in this Part, Ambler Wastewater Treatment Plant or Ambler or the other participating municipalities shall have the unfettered right to initiate and/or assist in any State or Federal criminal proceedings as a result of such violation. Examples of criminal conduct in connection with a violation include, but are not limited to, knowing or intentional introduction of any substance into the Ambler Wastewater Treatment Plant which causes injury to persons or property, otherwise undertaking any act or failing to undertake any act which recklessly endangers the well-being of the community or plant personnel, falsification of documents required to be filed pursuant to this Part and tampering with or otherwise rendering inaccurate a monitoring device or similar equipment.

(Ord. 902, 9/20/1993, §10B.3)

§18-399.03. Remedies Nonexclusive.

The remedies provided for in this Part are no exclusive. Ambler Wastewater Treatment Plant may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with Ambler Wastewater Treatment Plant's enforcement response plan. However, Ambler Wastewater Treatment Plant may take other action against any user when the circumstances warrant. Further, Ambler Wastewater Treatment Plant is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 902, 9/20/1993, §10B.4)

M. Supplemental Enforcement Action.

§18-399.11. Performance Bonds.

Ambler Wastewater Treatment Plant may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to Ambler Wastewater Treatment Plant, in a sum not to exceed a value determined by Ambler Wastewater Treatment Plant to be necessary to achieve consistent compliance.

(Ord. 902, 9/20/1993, §11.1)

§18-399.12. Liability Insurance.

Ambler Wastewater Treatment Plant may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(Ord. 902, 9/20/1993, §11.2)

§18-399.13. Water Supply Severance.

Whenever a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(Ord. 902, 9/20/1993, §11.3)

§18-399.14. Public Nuisance.

A violation of any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement may separately be declared as a public nuisance to the extent that it constitutes such nuisance as defined by Pennsylvania law or Borough ordinance.

(Ord. 902, 9/20/1993, §11.4)

N. Affirmative Defenses to Discharge Violations.

§18-399.21. Upset.

1. For the purpose of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment 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.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards, if the requirements of Subsection (3) below are met.

3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

   A. An upset occurred and the user can identify the cause(s) of the upset.

   B. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.

   C. The user has submitted the following information to Ambler Wastewater Treatment Plant within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days)

      (1) A description of the indirect discharge and cause of noncompliance.

      (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

      (3) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This re-

quirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ord. 902, 9/20/1993, §12.1)

§18-399.22. Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in §18-311(1) of this Part or the specific prohibitions in §18-311(2) of this Part if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass-through or interference.

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Ambler Wastewater Treatment Plan was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 902, 9/20/1993, §12.2)

§18-399.23. Bypass.

1. For the purposes of this Section:

   A. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

   B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become 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 any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Subsection (3) and (4) of this Section.

3. Need For and Oral Notice of Bypass.

A. If a user knows in advance of the need for a bypass, it shall submit prior notice to Ambler Wastewater Treatment Plant, at least 10 days before the date of the bypass, if possible.

B. A user shall submit oral notice to Ambler Wastewater Treatment Plant of an unanticipated bypass that exceed applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission 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 taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. Ambler Wastewater Treatment Plan may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. Bypass Prohibited.

A. Bypass is prohibited and Ambler Wastewater Treatment Plant may undertake an enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury or sever property damage.

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

(3) The user submitted notices as required under Subsection (3) of this Section.

B. Ambler Wastewater Treatment Plant may approve an anticipated bypass, after considering its adverse effects, if Ambler Wastewater Treatment Plant determines that it will meet the three conditions listed in Subsection (4) of this Section.

(Ord. 902, 9/20/1993, §12.3)

O. Building Sewers and Connections.

§18-399.31. Building Sewers and Connections.

1. No unauthorized persons (i.e., persons other than personnel of Ambler Borough, Ambler Wastewater Treatment Plant, the participating municipalities or their agents) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager.

2. There shall be two classes of building sewer permits:

   A. For residential and commercial service.

   B. For service to industrial users.

   In either case, the owner or his agent shall make application on a special form furnished by Ambler. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of Ambler. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to Ambler at the time the application is filed. All building sewer permit applications under Subsection (B), above, shall be reviewed and approved in writing by Ambler prior to permit issuance. Permit and inspection fees for sewer permits shall be in such amounts as may be established, from time to time, by Ambler through resolution.

3. All costs and expenses incidental to the installation, connection and maintenance of the building sewer shall be borne by the owner or user, who shall indemnify Ambler from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building or any part of any building as may be determined by Ambler.

5. Old building sewers may be used in conjunction with new buildings only when they are found, upon examination and test by Ambler, to meet all requirements of this Part.

6. The size, slope, alignment, materials or construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Building and Plumbing Codes [Chapter 5] and/or other applicable rules and regulations of Ambler. In the absence of code provisions or in amplification therefore, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. nine shall apply.

7. In order to prevent grease, oil and sand from being discharged into the public sewage system, all hospitals, nursing homes, hotels, restaurants and any other es-

tablishments engaged in the preparation, processing or sale of food shall install and properly maintain one or more grease traps of a type and capacity approved by Ambler and same shall be located so as to be readily and easily accessible for cleaning and inspection. If any other user in the opinion of Ambler discharges a quantity, oil or sand in its sewage so as to warrant the installation and maintenance of one or more grease traps, same shall be installed and maintained in accordance with these regulations at the direction of Amber.

8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a method approved by Ambler and discharged to the building sewer.

9. No person shall make connection of sump pumps, roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a POTW unless such connection is approved in writing by Ambler for purposes of disposal of polluted surface drainage.

10. The connection of the building sewer into the POTW (which for purposes of this Part includes the distribution system) shall conform to the requirements of the Building and Plumbing Code [Chapter 5] or other applicable rules and regulations set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by Ambler before installation.

11. The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the POTW. The connection to the public sewer and testing shall be made under the supervision of the Manager or his representative.

12. All excavations for building sewer installations shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to Ambler.

13. No excavation, construction or connection work shall be commenced within an Ambler right-of-way until the owner, his agents and/or independent contractor shall have first filed a bond in double the amount of the cost of the work to be performed as determined by Ambler, agreeing to indemnify and save harmless Ambler against any and all loss, damages, costs and expenses which Ambler may thereafter suffer, incur or pay by reason of the failure to complete properly any of the aforesaid excavation, construction or connection work.

14. The term “owner” as used herein shall be deemed to include the owner or owners in fee simple, lessees of the premises, occupiers of the premises, users and all oth-

er parties having a use or interest in the premises and occupying the same with or without the consent and permission of the owner of the fee title.

15. Sanitary sewers installed with unused points of connection for building sewers shall have said points of connection capped for watertight integrity prior to connection of the building sewer. The method of capping shall be one approved by the Manager.

(Ord. 902, 9/20/1993, §13)

CHAPTER 19

SIGNS AND BILLBOARDS

(Reserved to accommodate future enactments)

CHAPTER 20

SOLID WASTE

PART 1

ESTABLISHMENT, MAINTENANCE, CREATION AND FINANCING OF REFUSE COLLECTION SYSTEMS AND REFUSE DISPOSAL METHODS AND SITES; COLLECTION AND DISPOSAL OF RECYCLABLES

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MUNICIPAL WASTE COLLECTION AND RECYCLING

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PART 1

ESTABLISHMENT, MAINTENANCE, CREATION AND FINANCING OF REFUSE COLLECTION SYSTEMS AND REFUSE DISPOSAL METHODS AND SITES; COLLECTION AND DISPOSAL OF RECYCLABLES

A. Storage, Collection and Disposal of Refuse.

§20-101. Definitions.

For the purposes of this Part, the following words and phrases shall have the meanings ascribed to them in this Section:

PERSON — any institution, public or private corporation, individual, partnership or other entity.

PREMISES — land, buildings or other structures, vehicles or parts thereof, upon or in which refuse is stored.

REFUSE — all solid wastes of a community, including garbage, ashes, rubbish, bottles, cans and bulky wastes, but not including body wastes.

(Ord. 857, 8/20/1990 Part I, §1)

§20-102. Funds, Appropriation, Borrowing, Other Means.

The Borough Council of the Borough of Ambler is authorized to make funds available by appropriation by borrowing or by other means, in accordance with the laws and procedures of the Borough, for equipment for the collection or disposal of refuse and for the establishment, maintenance and operation of refuse collection systems and refuse disposal methods and sites as well as for the payment to contractors to carry out any of the above objectives.

(Ord. 857, 8/20/1990, Part I, §2)

§20-103. Permits, Rules and Regulations.

1. It shall be unlawful for any person who does not possess a permit to engage in the business of refuse collection or refuse disposal for compensation in the Borough. Provided, that such permittees shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this Part. Further, such licenses as Montgomery County may require shall be obtained as a condition precedent to engaging in the business of refuse collection or refuse disposal in the Borough.

2. Every person desiring a Borough permit to engage in the collection and/or disposal of refuse shall make written application to the Borough of Ambler, setting forth the name of such person, the residence address thereof or the place of business, a description of the place of disposal and the method of disposal to be practiced. Upon approval of such application, the Borough of Ambler shall issue a permit to the applicant. The permit fee shall be established, from time to time, by resolution of Council, payable in advance to the Borough of Ambler. Every person desiring a Montgomery County license shall request the same of the County pursuant to their regulations and procedures then in effect is offered.

3. Any permittee and licensee expressly agrees to abide by the rules and regulations of the Borough of Ambler and the County of Montgomery. In particular, each refuse collector must, no less often than once every six months, provide information to its customers (or to the residents in case of residential pickup) information regarding the types of materials that are recyclable; what materials are considered leaf waste; when and how such materials are collected; and, in the case of leaf waste, when and where leaf waste can be brought to a composting facility.

4. Any person whose application for a Borough permit has been denied may request and shall be granted a hearing before the Borough Council.

5. A Borough permit issued under this Part shall expire on the 31st day of December of each year. Permits shall be renewable annually, in the same manner and upon payment of the same annual fee as provided in Subsection 2 of this Section.

6. Applicants for a Borough permit shall have available for the collection and/or disposal of refuse closed-body trucks of sufficient design to retain that which is placed therein. Approval of said design shall be made by the Borough Superintendent.

7. A refuse collector having been issued a valid Borough permit under the terms of this Part shall not engage in the business of refuse collection or refuse disposal in the Borough prior to 6:00 a.m. nor after 7:30 p.m. (prevailing time).

8. Borough Res. 89-6[1] and the Inter-County Municipal Agreement and Trash Flow Ord. 850[2], all as amended.

(Ord. 857, 8/20/1990, Part I, §3; as amended by Ord. 1049, 10/5/2010)

§20-104. Prohibitions; Private Responsibility.

1. The owner or his agent or the occupant of any premises within the Borough shall be responsible for the sanitary condition of the premises occupied by him and it shall be unlawful for any person to place, deposit or allow to be placed or depos-

[1] Editor's Note: Res. 89-6 is not codified but is on file at the Borough office.
[2] Editor's Note: Ord. 850 is not codified at length but a summary thereof appears in Appendix C and the full text is on file at the Borough office.

ited on his premises any refuse, except as designated by the terms of this Part. Each person or entity, unless exempted, who or which generates municipal waste and/or designated recyclable materials shall have such waste and recyclable materials collected by a municipal waste collector who is legally operating within the Borough, and such collection shall be no less frequent than one time per week.

2. The owner, organization or the occupant of any premises within the Borough shall be responsible for and it shall be unlawful to permit a refuse container to be opened other than at such time as refuse is being deposited in said container or being removed therefrom.

3. Any person responsible for:

   A. Refuse on premises not served by the refuse collection system of the Borough.

   B. Refuse not acceptable for collection by the Borough shall make arrangements for the collection and disposal of such refuse with a refuse collector who holds a valid permit issued by the Borough of Ambler and where necessary, a license issued by the County of Montgomery.

   C. Refuse, particularly used automobile parts and automobile body parts, awaiting lawful disposition, shall not accumulate on any public portion of the property but shall remain inside the premises until the time of its lawful disposal.

(Ord. 857, 8/20/1990, Part I, §4; as amended by Ord. 882, 11/-/1991, §1; and by Ord. 1049, 10/5/2010)

§20-105. Enforcement; Service of Notices and Orders; Hearings.

1. Whenever the Borough of Ambler determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant thereto, it shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall:

   A. Be put into writing.

   B. Include a statement of the reasons why it is being issued.

   C. Allow a reasonable time for the performance of any act it requires.

   D. Be served upon the holder of a permit issued under this Part or upon the owner or his agent or the occupant of any premises within the Borough; provided, that such notice shall be deemed to have been properly served when a

copy thereof has been served personally or in accordance with any other method authorized or required under the laws of the State.

E. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.

F. State that, unless conditions or practices prescribed in such notice which violate this Part are corrected within the reasonable time specified in such notice, a permit which has been issued pursuant to this Part may be suspended or revoked.

2. Any person who is affected by any notice which has been issued in connection with the enforcement of any provision of this Part or of any regulation adopted pursuant thereto may request, and shall be granted, a hearing on the matter before the Borough Council; provided, that such person shall file, in the office of the Borough of Ambler, a written petition requesting such hearing and setting forth a brief statement of the ground therefore, within 10 days after the day the notice was served. Upon receipt of such petition, the Borough Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than 10 days after the day on which the petition was filed. Provided, that upon application of the petitioner, the Borough Council may postpone the date of the hearing for a reasonable time beyond such 10 period when in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

3. After such hearing, the Borough Council shall sustain, modify or withdraw the notice, depending upon its finding based on such hearing as to whether or not the provisions of this Part and the regulations adopted pursuant thereto have been complied with. If Borough Council sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if written petition for a hearing has not been filed in the office of the Borough of Ambler within 10 days after such notice was served. In the case of any notice which states that a permit required by this Part may be suspended or revoked, the Borough of Ambler may suspend or revoke such permit is an order is issued and corrective action has not been taken within the time specified in the notice.

4. The proceedings at such hearing, including the findings and decision of the Borough Council, shall be summarized, put into writing and entered as a matter of public record in the officer of the Borough of Ambler. Such records shall include, also, a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of Borough Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

5. Whenever the Borough of Ambler finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may, without notice or hearing, issue a written order citing the existence of such an emergency and the condition violating this Part which requires corrective ac-

tion to remove such health hazard. If such corrective action has not been taken, the Borough of Ambler may take such action as may be necessary to protect the public health, including stoppage of processing operations. Notwithstanding other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Borough shall be afforded a hearing by the Borough Council as soon as possible, but in any case no later than three days after the petition was filed. After such hearing, depending upon its findings as to whether or not the provision of this Part and of the regulations adopted pursuant thereto have been complied with, the Borough shall continue such order in effect or modify it or revoke it.

(Ord. 857, 8/20/1990, Part I, §5)

§20-106. Inspection.

The Board of Health shall have the power to enter at reasonable times upon private or public property, for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this Part.

(Ord. 857, 8/20/1990, Part I, §6)

§20-107. Refuse Acceptable for Collection.

1. Garbage, putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of food. Garbage will be collected by a private collector until July 1, 1968. After July 1, 1968, garbage will be collected according to §20-109, Refuse Storage.

2. Combustible rubbish consisting of paper, cardboard, tin cans, wood, glass and crockery. (Excluding the recyclables covered in Part 1B).

3. Ashes, the residue from the burning of wood, coal, etc.

4. Noncombustible rubbish, nonputrescible solid wastes, including ashes, metal and similar materials.

(Ord. 857, 8/20/1990, Part I, §7)

§20-108. Refuse Not Acceptable for Collection.

1. Materials or substances, such as poisons, acids, caustics, infected materials and explosives.

2. Materials resulting from the repair, excavation or construction of buildings or structures, such as earth (stones), plaster, mortar and roofing material. (Said re-

fuse must be removed at the expense of the owners of the property of the contractor doing the work).

3. Materials which have not been prepared for collection in accordance with these regulations.

4. Solid wastes resulting from industrial processes.

5. Broken equipment, broken or discarded furniture or household equipment or metal products not otherwise disposable through the weekly trash pickup.

(Ord. 857, 8/20/1990, Part I, §8; as amended by Ord. 869, 8/19/1991, §1; and by Ord. 890A, 11/18/1991; §1)

§20-109. Refuse Storage.

1. Garbage shall be drained and wrapped in paper and together with tin cans, ashes, bottles, glass, crockery, metal and similar materials shall be stored in durable rust-resisting, nonabsorbent, watertight and easily washable containers, which shall have close-fitting covers and adequate handles or bails to facilitate collection and which shall not be more than four twenty-gallon containers in capacity, nor exceed the weight of 60 pounds per container.

   A. Garbage shall not be stored outdoors in plastic bags and shall be stored in a secured and nonabsorbent container. Any nondomestic generator of solid waste that places its refuse at the curb line or as would otherwise be easily visible to pedestrian traffic must secure all refuse in a container of metal, plastic, vinyl or similarly durable construction with a secured lid. Any person, firm or corporation who shall fail to secure all of the refuse in such containers shall, upon conviction thereof, be sentenced to pay a fine of not less than $15 nor more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

   B. In the event that a plastic bag is found in a ripped or torn condition, it shall be presumed to have contained garbage and the householder shall be liable for the violation of this Part.

2. Bulky Rubbish. Bulky rubbish, such as large cardboard boxes, newspapers and magazines, shall be bundled and not exceed three feet in length or 25 pounds in weight.

3. It shall be unlawful to permit refuse, except bulky rubbish, to accumulate on any premises except in containers which are approved by the Borough of Ambler, in accordance with the specifications contained in Subsections 1 and 2 of this Section. All refuse not acceptable for ordinary collection as provided in §20-108 above

in this Part shall not accumulate on any public portion of the property but shall remain inside the premises until the time of its lawful disposal at either a bulk collection or in any other proper and lawful manner.

(Ord. 857, 8/20/1990, Part I, §9; as amended by Ord. 869, 8/19/1991, §2; by Ord. 890A, 11/18/1992, §2, by Ord. 931, -/-/1997; and by Ord. 991, 8/15/2005)

§20-110. Refuse Collection; Places to be Served.

1. The Department shall collect all refuse acceptable for collection, as provided in §20-107, from all single-family dwellings and all multifamily or apartment dwellings not exceeding four family units.

2. The following types of establishments shall not be rendered refuse collection service by the Borough of Ambler:

   A. Multifamily or apartment dwellings having more than four family units.

   B. Institutions and industrial establishments.

   C. Business places.

(Ord. 857, 8/20/1990, Part I, §10; as amended by Ord. 903, 10/11/1993, §1-2; and by Ord. 907, 3/21/1994, §§1-2)

§20-111. Frequency and Place of Collection.

1. Householders shall place receptacles containing garbage and combustible rubbish at the curb or designated place for pickup by the Borough of Ambler not later than 6:00 a.m. on the days scheduled for collection or earlier than 4:30 p.m. on the previous day.

2. Collections shall not be made on the following holidays, unless otherwise specified by the Borough of Ambler:

   A. New Year's Day.

   B. Memorial Day.

   C. Independence Day.

   D. Labor Day.

   E. Thanksgiving Day.

   F. Christmas Day or days celebrated as such.

3. Containers shall be returned to the household premises by 8:00 p.m. after collection.

4. No commercial (nondomestic) trash containers shall be emptied or collected on Wednesdays.

(Ord. 857, 8/20/1990, Part I, §11; as amended by Ord. 932, 9/1/1997; and by Ord. 979, 6/16/2003, §1)

§20-112. Imposition and Collection of Fee and Charge for Refuse Removal.

The owner of any single-family dwelling, multifamily dwelling or apartment dwelling, not exceeding four family units, shall pay to the Borough of Ambler such sums as are set, from time to time, by Council for each dwelling unit within a structure for refuse collection. Said charge or rental shall be payable quarterly, in advance, at the Borough office, to the Borough Secretary, as billed. The refuse collection fees, charges or rentals shall be paid in advance. A penalty of 1.25% per month (15% annual rate) shall be added to the amount of the bill if payment is not received by the Borough of Ambler within 60 days from the date of the bill. All rental fees and charges and penalties shall be a lien against the property until paid. An annual trash rate of $300 per year per dwelling unit up to four dwellings.

(Ord. 857, 8/20/1990, Part I, §12; as amended by Ord. 946, 1/3/2000; by Ord. 971, 1/21/2003; and by Ord. 1047, 3/16/2010)

§20-113. Prohibiting Burning of Combustible Materials in Open Fires or Outside Incinerators.

No person, firm, business, or other entity shall cause or allow outdoor burning of any kind. This prohibition includes the burning of any recyclable material as defined by any law or ordinance. Leaf burning is also expressly prohibited. Exceptions to this prohibition include the common and ordinary use of small contained fires such as barbecue grills used safely and in accordance with the relevant sections of the International Fire Code; chimineas used in the same safe manner as grills; and controlled burns conducted by fire companies for purposes of instruction.

(Ord. 857, 8/20/1990, Part I, §13; as amended by Ord. 1049, 10/5/2010)

§20-114. Unlawful to Scatter or Deposit Refuse.

No person in the Borough of Ambler shall throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway or upon any private property any waste or other material of any kind.

(Ord. 857, 8/20/1990, Part I, §14)

§20-115. Disposition of Refuse Collected.

Any waste to be collected in the Borough, from any source whatsoever, including, but not limited to, residential and/or commercial waste, must be disposed of at the Pottstown landfill, either directly or in accordance with the specific disposal arrangements which have been made by the Authority, for so long as the Pottstown landfill remains the disposal site designated by the Authority and in the event that another facility shall have been designated by the Authority, at that other facility pursuant to the Authority's arrangements.

(Ord. 857, 8/20/1990, Part I, §15)

§20-116. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 857, 8//20/1990, Part I, §16; as amended by Ord. 991, 8/15/2005)

B. Collection and Disposal of Recyclables.

§20-121. Legislative Purpose.

1. The reduction of the amount of Borough waste and conservation of recyclable materials is an important public concern by reason of the growing problem of Borough waste disposal and its impact on the environment.

2. The collection of any three of clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics as may be designated by the Borough, from time to time, for recycling from residences and high-grade office paper, aluminum, corrugated paper and leaf waste from commercial and institutional establishments in the Borough will serve the general public interest by reducing the volume of Borough waste which must be disposed, thereby reducing storage, collection, transportation and disposal costs of said waste and preserving valuable natural resources and may result in a financial benefit to the residents and taxpayers of the Borough by reason of the income realized from the sale of these recyclable materials and reduced cost of disposal.

3. This Part has been developed to implement Borough responsibilities under Municipal Waste Planning, Recycling and Waste Reduction Act, No. 101, July 28, 1988.

(Ord. 857, 8/20/1990, Part II, §2)

§20-122. Purpose and Goals.

It is the purpose of this Part to:

A. Require waste reduction and recycling as a means of managing Borough waste, conserving resources and supplying energy.

B. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of Borough waste.

C. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.

D. Establish and implement within the Borough a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at Borough waste processing or disposal facilities.

E. Recycle at least 25% of all Borough waste and source-separated recyclable materials generated in this Borough on and after January 1, 1997.

F. The weight or volume of Borough waste generated per capita in this Borough on January 1,1997, should, to the greatest extent practicable, be less than the weight or volume of Borough waste generated per capita on the effective date of this Part.

G. Each person living or working in the Borough shall be taught the economic, environmental and energy value of recycling and waste reduction and shall be encouraged through a variety of means to participate in such activities.

H. The Borough shall, to the greatest extent practicable, procure and use products and materials with recycled content and procure and use materials that are recyclable.

(Ord. 857, 8/20/1990, Part II, §2)

§20-123. Definitions.

The following words and phrases when used in this Part shall have the meanings given to them in this Section, unless the context clearly indicates otherwise:

ABATEMENT — the restoration, reclamation, recovery, etc., of a natural resource adversely affected by the activity of a person.

BIMETALLIC CONTAINERS — empty food or beverage containers consisting of steel and aluminum.

COMMERCIAL ESTABLISHMENT — those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

COMMUNITY ACTIVITIES — events that are sponsored by public or private agencies or individuals that include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

CORRUGATED PAPER — structural paper material with an inner core shaped in rigid parallel furrows and ridges.

DISPOSAL — the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth.

GLASS — all products made from silica or sand, soda ash and limestone, the product may be transparent, translucent or colored and may be used as a container for packaging or bottling of various matter and all other material commonly known as glass. Excluded are ceramics, automotive glass, plate glass or heat tempered glass.

HIGH-GRADE OFFICE PAPER — all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT — those facilities that house or serve groups of people such as hospitals, schools, day care centers, universities and nursing homes.

LEAF WASTE — leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

LOCAL PUBLIC AGENCY –

A. Counties, cities, boroughs, towns, townships, school districts and any other authority now in existence or hereafter created or organized by the Commonwealth.

B. All borough or school or other authorities now in existence or hereafter created or organized by any county, city, borough, township or school district or any combination thereof.

C. Any and all other public bodies, authorities, councils of government, officers, agencies or instrumentalities of the foregoing, whether exercising a governmental or proprietary function.

MULTIFAMILY HOUSING PROPERTIES — any property having more than four dwelling units per structure.

MUNICIPAL RECYCLING PROGRAM — a source separation and collection program for recycling Borough waste or source separated recyclable materials or a program for designated drop-off points or collection centers for recycling Borough waste or source-separated recyclable materials, that is operated by or on behalf of this Borough. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of this Borough. The term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

MUNICIPAL WASTE — any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The terms does not include source-separated recyclable materials.

MUNICIPALITY — the Borough of Ambler, Montgomery County, Pennsylvania.

OPERATOR — a person engaged in solid waste processing or disposal. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this Part.

PERSON — any individual, partnership, corporation, association, institution or cooperative enterprise. In any provisions of this Part prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLASTIC BEVERAGE CARRIER — plastic rings or similar plastic connectors used as holding devices in the packaging of beverages including, but not limited

to, all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda and beer.

POLLUTION — contamination of any air, water, land or other natural resources of this Borough that will create or is likely to create a public nuisance or to render the air, water, land or other natural resources harmful, detrimental or injurious to public health, safety or welfare or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wild animals, birds, fish or other life.

POST CONSUMER MATERIAL — any product generated by a business or consumer which has served its intended end use and which has been separated or diverted from solid waste for the purposes of collection, recycling and disposition and can be returned to commerce to be reused as a resource in the development of useful products. The term includes industrial byproducts that would otherwise go to disposal or processing facilities. Included are the following:

A. Clear glass.

B. Colored glass.

C. Aluminum.

D. Steel and bimetallic cans.

E. High-grade office paper.

G. Newsprint.

H. Corrugated paper.

I. Leaf waste.

J. Plastics.

The term does not include internally generated scrap that is commonly returned to industrial or manufacturing processes.

PROCESSING — any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

PROJECT DEVELOPMENT — those activities required to be conducted prior to constructing a processing or disposal facility that has been shown to be feasible including, but not limited to, public input and participation, siting, procurement and vendor contract negotiations and market and municipal waste supply assurance negotiations.

PUBLIC AGENCY — any Commonwealth agency or local public agency.

RECYCLED CONTENT — goods, supplies, equipment, materials and printing containing post consumer materials.

RECYCLING — the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

RECYCLING CONTAINERS — a three tiered, stackable container with interlocking capability.

RECYCLING FACILITY — a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

RESIDUAL WASTE — any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and 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. The term shall not include coal refuse as defined in the Act of September 24, 1968, (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Act of June 22, 1937 (P.L. 198, No. 394) known as the Clean Streams Law.

SOLID WASTE — any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.

SOURCE-SEPARATED RECYCLABLE MATERIALS — materials that are separated from municipal waste at the point of origin for the purpose of recycling.

STEEL CONTAINERS — empty steel or tin-coated steel food or beverage containers.

STORAGE — the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION — the off-site removal of any municipal waste at any time after generation.

WASTE REDUCTION — design, manufacture or use of a product to minimize weight of municipal waste that requires processing or disposal including, but not limited to:

A. Design or manufacturing activities which minimize the weight or volume of materials contained in a product or increase durability or recyclability.

B. Use of products that contain as little material as possible are capable of being reused or recycled or have an extended useful life.

(Ord. 857, 8/20/1990, Part II, §3)

§20-124. Establishment of Program/Grant of Power.

The Borough hereby establishes a recycling program for the mandatory separation and collection of the currently recyclable Borough waste from all residences, businesses or institutions in Ambler for which waste collection is provided by the Borough or any other collector. Collection of the materials to be recycled shall be made periodically by the Borough, their designated agent or any other licensed waste collectors operating in Ambler in the removal of commercial waste. This Part is ordained pursuant to §1201(11) of the Borough Code (P.L. 1656, No. 81, February 1, 1966, as amended).

(Ord. 857, 8/20/1990, Part II, §4)

§20-125. Establishment of Collection Guidelines.

The Borough Manager is hereby authorized and empowered to establish guidelines on the manner, days and times of collections of recyclable materials and the bundling, handling, location and time of placement of such materials for collection to the extent not already provided for in Subpart A of this Part.

(Ord. 857, 8/20/1990, Part II, §5)

§20-126. Separation and Collection.

1. All persons who are residents of the Borough shall separate all Borough waste to be recycled from all other Borough waste produced at their homes, apartments and other residential establishments and to store such material for collection and shall place same for collection in accordance with the guidelines established for nonrecyclable refuse in Subpart A, but to be placed in the recyclable containers provided by the Borough in the first instance.

A. An owner, landlord or agent of an owner or landlord of a multifamily rental housing property with more than four units may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include use of suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this Section shall not be liable for noncompliance of occupants of their buildings.

2. All persons must separate leaf waste from other Borough waste generated at their houses, apartments and other residential establishments for collection, unless those persons have otherwise provided for composting of leaf waste.

3. Persons must separate high-grade office paper, aluminum, corrugated paper and leaf waste generated at commercial, Borough or institutional establishments and from community activities and to store the material until collection by their contract hauler. A person may be exempted from this subsection if the person submits documentation to the Borough annually indicating that designated recyclable materials are being recycled in an appropriate manner.

4. Recycling containers shall be provided at all community events attended by 200 or more people. The disposal of recyclable materials collected at such events shall be in accordance with this Part.

(Ord. 857, 8/20/1990, Part II, §6; as amended by Ord. 1049, 10/5/2010)

§20-127. Ownership of Recyclable Materials.

All Borough waste to be recycled placed by the resident for collection by the Borough pursuant to this Part and regulations hereunder shall, from time of pickup, become the property of the collecting contractor, except as otherwise provided by §20-129 of this Part.

(Ord. 857, 8/20/1990, Part II, §7)

§20-128. Collection Prohibited.

It shall be a violation of this Part for any person, firm or corporation, other than the Borough or one authorized by the Borough Council, to collect Borough waste to be recycled, placed by a resident for collection by the Borough, unless such person, firm or corporation has prior written permission to make such collection as set forth in §20-129 of this Part. Each unauthorized collection in violation hereof from one or more residences on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 857, 8/20/1990, Part II, §8)

§20-129. Other Means of Disposal.

Any resident may donate or sell Borough waste to be recycled to any person, firm or corporation, whether operating for profit or not; provided, that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence without prior written permission from the Borough Council to make such collection.

(Ord. 857, 8/20/1990, Part II, §9)

§20-130. Enforcement.

1. Any person, firm or corporation who shall violate the provisions of §§20-126 and 20-129 shall receive an official written warning of noncompliance for the first and second offense. Thereafter all such violation shall be subject to the penalties hereinafter provided.

2. Except as hereinafter provide, any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than $25 nor more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

3. The Borough reserves the right not to collect Borough waste containing recyclable materials in combination with nonrecyclable materials, nor not rinsed or otherwise prepared in accordance with a Borough regulation covering the same and such goods may be treated as rejected goods.

(Ord. 857, 8/20/1990, Part II, §10; as amended by Ord. 991, 8/15/2005)

§20-131. Reporting.

All disposers of Borough recyclable material shall report the weight or volume of materials so disposed to the Borough two times per year, once by August 1 and once by February 1st of the following year or more frequently as provided in Borough regulations.

(Ord. 857, 8/20/1990, Part II, §11)

§20-132. Modifications.

The Borough Council may, from time to time, modify, add to or remove from the standards and regulations herein.

(Ord. 857, 8/20/1990, Part II, §13)

§20-133. Effective Date.

This Part shall take effect and be in force from and after its approval or as required by law, except that the recycling portion or Subpart B shall be deemed effective at the earliest, May 15, 1991.

(Ord. 857, 8/20/1990, Part II, §14)

C. Leaf Waste.

§20-141. Handling of Leaf Waste.

1. Ambler Borough hereby authorizes establishment of a program for curbside collection of leaf waste at least once during the spring and at least once during the fall of each year. In addition thereto, the leaf waste collection program shall be augmented by designation by Ambler of a DEP-permitted, dropoff compost facility for residents of the Borough to utilize as needed, which facility must be open at least once per month for collection of leaf waste generated between scheduled collections.

2. Leaf waste collection shall be conducted by the Borough or authorized private municipal waste collectors in accordance with regulations of DEP. All leaf waste shall be disposed of in a DEP-permitted compost facility in accordance with all applicable state guidelines.

3. All private municipal waste collectors shall provide the Borough and the Northern Montgomery County Recycling Commission (NMCRC) with the name and address of the facility(ies) where the leaf waste will be disposed and report the quantity in tons or cubic yards. Leaf waste shall not be commingled with any other municipal solid waste. The disposal of leaf waste at a sanitary landfill, waste-to-energy facility or any other facility which is not a DEP-permitted composting facility is strictly prohibited.

4. The methodology for separating and collecting leaf waste shall be established and implemented by the Municipality and imposed upon participating private waste collectors. The leaf waste collection guidelines set forth in this Subpart C are intended to be general in nature. The actual leaf waste collection and education program shall be established in more detail by the Municipality pursuant to resolution and is subject to modification, as needed from time to time, provided any

modifications to the program comply with this Subpart C and the most recent regulations of DEP.

5. Leaf waste shall not be left at curbside more than 24 hours prior to collection and shall not be left in a form which obstructs the flow of traffic or affects the performance of drainage facilities or catch basins.

(Ord. 1042, 7/21/2009)

§20-142. Enforcement and Penalties.

1. Any person or entity violating the provisions of this Subpart C pertaining to the separation of recyclable materials and leaf waste, collected within the boundaries of the Borough, including commingling of recyclable materials and leaf waste with municipal waste by haulers and their employees, shall receive an official written warning sent certified mail, return receipt requested, from the NMCRC Solicitor and/or from the Solicitor for the municipality in which the alleged violation occurred for the first offense. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Subpart C pertaining to the separation of recyclable materials and leaf waste collected within the boundaries of the Borough shall be subject to a criminal fine up to the maximum as it then exists at law for summary offenses, per violation, plus damages (restitution), court costs and reasonable attorney's fees. Enforcement of any such violations shall be by action commenced by the NMCRC and/or the Borough before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

2. No municipal waste collector shall knowingly collect municipal waste which contains recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein with written notice for the first offense and also provide the NMCRC and the Borough with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this subsection and collect municipal waste containing recyclable materials and leaf waste from a person or entity who or which has previously been notified by the NMCRC, Borough and/or a Borough-contracted waste collector of noncompliance shall receive an official warning from the Borough and/or NMCRC for the first offense. The municipal waste collector, for subsequent offenses within a two-year period of the warning, upon conviction, shall be sentenced to pay a fine in accordance with the foregoing language regarding summary offenses. Enforcement of any such violation shall be by action commenced by the NMCRC and/or the Borough before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

3. Any person or entity who shall violate any provision of this Subpart C not covered in Subsection 1 or 2 above shall receive an official written warning sent certified

mail, return receipt requested, from the NMCRC Solicitor and/or from the Solicitor for the Borough. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Subpart C not otherwise covered in Subsection 1 or 2 shall, upon conviction, be subject to a criminal fine in accordance with the foregoing language regarding summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or the Borough before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day on which a violation of this Subpart continues shall constitute a separate offense punishable by a like fine or penalty.

4. The NMCRC is authorized to establish, through its rules and regulations, procedures through which violations of this Subpart and of the NMCRC's rules and regulations themselves may be determined and administrative sanctions therefor, including but not limited to imposition of monetary penalties.

5. Nothing in this Section shall be construed to limit the NMCRC's remedies, which shall include but not be limited to the filing of actions at law or in equity seeking damages and/or injunctive relief.

(Ord. 1042, 7/21/2009)

PART 2

MUNICIPAL WASTE COLLECTION AND RECYCLING

§20-201. Title.

This Part shall be known as the "Municipal Waste Collection and Recycling Ordinance."

(Ord. 1006, 5/21/2007)

§20-202. Definitions and Word Usage.

1. As used in this Part, the following terms shall have the meanings indicated:

ACT 97 — the Solid Waste Management Act of 1980.

ACT 101 — the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

ALUMINUM — empty, all-aluminum beverage and food containers, commonly known as "aluminum cans."

BIMETAL CANS — empty food or beverage containers constructed of a mixture of ferrous metal, usually steel, and nonferrous metal, usually tin.

BULK ITEMS — any large durable goods such as refrigerators, washing machines, window air conditioners, hot-water heaters, dishwashers and any other major home appliances in addition to other large bulk items such as dressers, beds, mattresses, sofas, television sets and other large household items.

BUSINESS(ES) — the legal owner, occupant or lessee of a commercial, industrial or cooperative enterprise, firm, partnership, corporation, association, institution, trust or governmental entity that engages in any form of business or governmental operations.

CORRUGATED PAPER — paper products made of a stiff, moderately thick paper board, containing folds or alternating ridges, commonly known as "cardboard."

DEP — the Pennsylvania Department of Environmental Protection.

GLASS — products made from silica or sand, soda ash and limestone. The product may be transparent (clear) or colored (e.g., brown or green) and used as a container for packaging (e.g., jars) or bottling of various matter. Expressly excluded are noncontainer glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

GRASS CLIPPINGS — the material bagged or raked during or after cutting of a lawn, field or similar grassed area.

HIGH-GRADE OFFICE PAPER — all types of high-grade, white or colored paper, bond paper and computer paper used in commercial, institutional, business, office and municipal establishments.

HOUSEHOLD HAZARDOUS WASTE — small quantities of hazardous waste (as defined in the Solid Waste Management Act) available to a person or entity on a retail basis, such as pesticides, certain paints, paint thinners and solvents, cleaning agents and automotive products.

IMA — the intermunicipal agreement adopted by the municipalities that are members of the Northern Montgomery County Recycling Commission.3

LANDLORD(S) — any individual or organizational owner who rents and/or leases residential units, commercial space or an industrial complex(es). Landlords own the properties in question and deal directly with their tenants or lessees.

LEAF WASTE — leaves, garden residues, shrubbery and tree trimmings and similar material, but does not include grass clippings.

MAGAZINES AND PERIODICALS — printed matter containing miscellaneous written pieces published at fixed or varying intervals. Such matter typically has a gloss or shine added to the paper. Expressly excluded are all other paper products of any nature whatsoever.

MIXED PAPER — all types of paper combinations, such as colored paper, carbonless forms, ledger paper, colored paper envelopes, mixtures of high-grade office paper and the like.

MUNICIPALITY — the Borough of Ambler.

MUNICIPAL WASTE — any municipal waste as defined by Section 103 of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 et seq., and Section 103 of Act 105, and any rules and regulations promulgated thereunder.

MUNICIPAL WASTE COLLECTOR(S) — any collector, remover, transporter and/or hauler of municipal waste and/or recyclable materials in the NMCRC. A municipality shall be considered a municipal waste collector if it provides manpower and equipment for the collection of municipal waste.

[3] Editor's Note: The intermunicipal agreement is attached to Ord. 1006 and on file in the office of the Borough Secretary.

NEWSPAPER — paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

NORTHERN MONTGOMERY COUNTY RECYCLING COMMISSION ("NMCRC") — the legal entity established by and operating as agent for the municipalities hereunder who have delegated certain of their duties and powers respecting recycling, including but not limited to the development, implementation and enforcement of common recycling programs. Presently the NMCRC is comprised of Ambler Borough, Franconia Township, Hatfield Township, Hatfield Borough, Lower Gwynedd Township, Lower Salford Township, Montgomery Township, North Wales Borough, Souderton Borough, Telford Borough and Towamencin Township and shall be deemed to include all new member municipalities and excepting member municipalities who have completed the withdrawal process.

PARTICIPATING MUNICIPALITIES — those municipalities which have executed the intermunicipal agreement (IMA).

PERSON or ENTITY — any individual, firm, partnership, corporation, business, association, institution, cooperative enterprise, trust, municipality, municipal authority, federal institution or agency, state institution or agency (including but not limited to the Department of General Services and the Public School Building Authority), other governmental agency or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty or imprisonment or any combination of the foregoing, the term "person" or "entity" shall mean the officers and directors of any corporation or other legal entity having officers and directors.

PLAN or COUNTY PLAN — the latest revision of the countywide municipal waste management plan adopted by the County and approved by DEP, as such may hereinafter be supplemented, revised, amended or modified in compliance with the law.

PLASTIC CONTAINERS — empty plastic food and beverage containers. Due to the large variety of plastics, the recycling regulations will stipulate the specified types of plastics that may be recycled.

RECYCLABLE MATERIALS — materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to glass (clear, brown or green), aluminum, steel and bimetal cans, high-grade office paper, mixed paper, newspaper (including newspaper inserts, junk mail and telephone books), corrugated paper, magazines and other periodicals, plastic containers and other materials as may be designated from time as recyclable materials.

RECYCLING COLLECTOR — a municipal waste collector engaged in the collection, removal, transportation or hauling of recyclable materials.

RECYCLING PROCESSORS — entities which receive recyclable materials, separate recyclable materials from nonrecyclable residue and market the separated recyclable materials for reuse or remanufacture.

RENTAL AGENT(S)/PROPERTY MANAGERS — any individual or organization who or which assumes the owner's responsibility in renting and/or leasing residential units, commercial space or industrial complexes. Agents do not own the properties in question but deal directly with tenants or lessees on behalf of the owner(s).

RESIDENT(S) — the legal owner, occupant or lessee of a single-family residential unit in a municipality served by curbside collection of municipal wastes and/or recyclables or owner, occupant or lessee of any other type of multifamily residential unit, including but not limited to townhomes, duplexes, condominiums and apartments, whose multifamily unit has curbside collection of municipal waste and/or recyclables. Also classified as a resident will be any business professional who operates a profession from his/her personal residence.

YARD WASTE — twigs, shrub trimmings, small branches and like vegetative matter.

2. All terms not separately defined in this Part that are contained in Act 97 and Act 101 are incorporated herein by reference.

(Ord. 1006, 5/21/2007)

§20-203. Legislative Intent.

1. The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its detrimental impact on the environment. It is the intent of this Part to require, promote and regulate recycling activities in the municipality and to protect the health, safety and welfare of residents.

2. This Part has been developed to meet and implement municipal responsibilities established under Act 101.

3. It is the intent of this Part to promote intergovernmental cooperation in recycling activities by and among the municipalities comprising the NMCRC. Such cooperation is intended to more efficiently conduct recycling programs and to reduce costs.

4. The municipality's adoption of this Part anticipates the assignment of certain of its duties and powers under Act 101 to the NMCRC with respect to recycling ac-

tivities and enforcement against violations of this Part. Such assignment of duties and powers will be accomplished in accordance with Section 304(c) of Act 101 and as set forth in this Part and in the intermunicipal agreement adopted by the member municipalities of the NMCRC. Duties and powers not assigned by the intermunicipal agreement or subsequent agreement shall remain with the municipality.

(Ord. 1006, 5/21/2007)

§20-204. Program Authority of NMCRC.

1. The NMCRC is authorized to carry out a recycling program on behalf of the member municipalities in accordance with the terms and conditions of the IMA.

2. In accordance with the responsibilities in this Part, the NMCRC is authorized to establish, by resolution, rules and regulations related to the administration of the recycling program and to administer and enforce against violations of all such rules and regulations. The NMCRC shall determine the recyclable materials to be separated by residents, noncurbside residents and businesses and collected by municipal waste collectors; however, this designation may be changed by the NMCRC from time to time. The municipality may require additional materials to be recycled, in which event such additional materials shall be deposited at dropoff centers designated by the municipality, and the municipal waste collector will not be responsible for collecting such materials. Any additional requirements imposed by the municipality shall be consistent with and not interfere with the recycling program developed and implemented by the NMCRC. All commercial, industrial and institutional establishments shall also be required to separate the materials designated by the NMCRC for recycling.

3. In accordance with Section 1501(c)(1)(iii) of Act 101, the NMCRC shall be authorized to exempt persons occupying commercial, institutional and industrial establishments from the requirements of this Part if they have otherwise provided for the recycling of materials designated by this Part and any subsequent resolutions. To be eligible for this exemption, the commercial, industrial or institutional waste generator must provide, on a annual basis, written documentation to the municipality and the NMCRC of the total quantity of each material recycled, in the form and by the Act as provided for in the NMCRC's rules and regulations. Exemptions shall be handled administratively by the NMCRC.

(Ord. 1006, 5/21/2007)

§20-205. Responsibilities of Generator.

1. Each person or entity who or which generates municipal waste in the NMCRC shall be responsible for complying with the requirements of this Part for the sepa-

ration of recyclable materials as required by Act 101 as implemented by the NMCRC. This shall include tenants and lessees occupying leased properties.

2. Owners, landlords or rental agents of any leased property, other than a single-family-occupied property, shall be responsible for publicly posting educational information provided by the NMCRC, municipality and/or municipal waste collectors; provide appropriate recyclable material collection containers and providing for pickup of such containers in accordance with this Part. Owners, landlords or rental agents of a single-family-occupied property may assign such responsibility to the tenant or lessee occupying the property through a lease or rental agreement or other written assignment.

3. Every person or entity must separate household hazardous waste and leaf waste from the recyclable materials and other municipal waste. It is the responsibility of a person or entity to dispose of household hazardous waste in accordance with applicable law as implemented by the Montgomery County Waste System Authority.

4. All occupants of single-family homes, including townhomes and row homes where individual municipal waste collection occurs, shall maintain a separate container of the type specified or provided by the NMCRC or municipal waste collector to collect all designated recyclable materials in a commingled or modified commingled (e.g., different materials separated into paper bags and placed in the container) fashion, as established by the municipal waste collector, subject to the rules and regulations of the NMCRC. No municipal waste or recyclable material container shall be placed at the curb or in the front yard of any resident's property except during the period beginning at 6:00 p.m. of the evening prior to the day of scheduled collection, and the empty container shall be removed by 11:59 p.m. on the day of scheduled collection. Enforcement of container rules for placement at curbside shall be the responsibility of the municipality. Newspapers may also be placed in paper bags (no plastic bags) or bundled and tied, both across and lengthwise, with rope or cord, and kept dry prior to collection and placed at curbside with the recycling container. No such municipal waste containers or recyclable material containers, including bundles of newspapers (other than containers supplied by municipal waste collectors), shall weigh more than 50 pounds.

5. Owners or landlords of any multifamily residential units where individual residential refuse collection does not occur shall be responsible for providing suitable containers or dumpsters for recyclable materials. Such containers or dumpsters shall be provided through arrangements with a municipal waste collector, and source-separated or commingled recyclable material containers or dumpsters may be utilized. The containers or dumpsters must be provided at easily accessible locations, and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multifamily residential units who comply with the requirements of this subsection shall not be liable for the noncompliance of any persons or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multifamily residential units shall be responsible for separating recy-

clable materials and placing them in the containers or dumpsters provided for such purposes.

6. Owners or landlords of any institutional, commercial, business or industrial establishment shall be required to meet the same requirements outlined in §20-205.5, unless exempted under §20-204B of this Part or unless such responsibilities are specifically assigned, in writing, to the tenant or lessee of such property.

(Ord. 1006, 5/21/2007)

§20-206. Materials to be Recycled.

1. All homes, apartments and other residential establishments shall be required to separate and recycle the following: clear glass, colored glass, newsprint (including newspaper inserts, junk mail and telephone books), aluminum cans, steel cans, bimetallic cans, No. 1 PET plastics and No. 2 HDPE plastics.

2. Commercial establishments will be required to separate and recycle the following: corrugated paper, high-grade office paper, aluminum cans and yard waste.

3. Hospitality establishments which include restaurants and taverns, shall be required to separate and recycle the following: cardboard, office paper, newspaper (including newspaper inserts, junk mail and telephone books), aluminum cans, steel cans, bimetallic cans, No. 1 PET plastics and No. 2 HDPE plastics.

(Ord. 1006, 5/21/2007)

§20-207. Responsibilities of Municipal Waste Collectors.

1. Reporting and Recordkeeping Requirements.

   A. Unless specifically provided otherwise in the NMCRC's rules and regulations, all municipal waste collectors shall deliver or send, at least every six months, an information sheet that names the materials which are to be recycled.

   B. Municipal waste collectors shall be responsible for obtaining weight and volume data on all municipal waste and recyclable materials collected by them in each municipality that is a member of the NMCRC. Said data shall be supplied to the NMCRC on an annual basis by January 15 for the preceding year. Such report shall include the name of the market or processor where recyclable materials are delivered and shall be signed by an officer of the municipal waste collector.

   C. Municipal waste collectors shall maintain records of their collection, removal, transportation and hauling activities for each municipality and make

them available for inspection by the NMCRC, in accordance with the rules and regulations of the NMCRC.

2. Collection, Processing, Marketing and Reporting Requirements.

A. Each municipal waste collector operating in the municipality shall be responsible for complying with the requirements of this Part and the NMCRC's rules and regulations for the collection, processing and marketing of recyclable materials.

B. The municipal waste collector shall, in providing refuse collection and disposal services, also provide for the collection of recyclable materials. Unless specifically provided otherwise in the NMCRC's rules and regulations, where once or twice a week municipal waste collection is provided, the municipal waste collector must provide at least once a week recyclable material collection. Customers using once a month municipal waste collection must have recyclable materials collected at least once a month.

C. A municipal waste collector shall not be permitted to allow recycling containers or dumpsters to fill beyond capacity and shall schedule the frequency of such collection accordingly.

D. The municipal waste collector shall be responsible for the processing and marketing of the recyclable materials or the delivery of recyclable materials to a recycling processor. Such activities may be conducted by the municipal waste collector or any agent thereof or a private entity conducting such business, a nonprofit entity able to undertake such effort or any governmentally owned or operated facility capable of such functions.

E. The municipal waste collector shall, prior to initiating processing and marketing activities, provide the NMCRC with a summary of its proposed efforts, including the location of the facility(ies) to which the recyclable materials will be delivered, to the maximum extent possible. All such facility(ies) shall be appropriately licensed and permitted. Updates shall be provided as changes are made.

F. All municipal waste collectors shall keep records of the quantities of recyclable materials collected in the municipality. The records shall include the weight of the total quantities of recyclable materials and total quantities of municipal waste and an estimate of the corresponding volume of material for both recyclable materials and municipal waste. Estimates of the individual components comprising the commingled recyclable materials shall also be provided. Written reports shall be provided to the NMCRC on reporting forms provided by the NMCRC and shall include the name and location of the processing center and/or recyclable materials dealer and shall be submitted in accordance with the time schedules established in this Part.

G. Leaf waste quantities shall be recorded by the municipal waste collector collecting such materials. Such quantities may be in the form of estimates on either a cubic yard or tonnage basis collected, and written documentation must be provided to the NMCRC by January 31 of each year for materials collected in the preceding calendar year of the total quantity of leaf waste collected. The collector has the option of reporting tonnage either in compacted or uncompacted cubic yards.

H. Municipal waste collectors shall not collect refuse, recyclable materials or any other wastes between the hours of 8:00 p.m. and 6:00 a.m. Eastern standard time nor, when applicable, between 8:00 p.m. and 6:00 a.m. daylight saving time. Failure to comply with this provision shall subject a municipal waste collector to the enforcement by the individual municipality.

(Ord. 1006, 5/21/2007)

§20-208. Assignment of Program Responsibilities; Intergovernmental Cooperation.

1. The municipality recognizes that intergovernmental cooperation among the municipalities comprising the membership of the NMCRC will be of benefit to the municipality by more efficiently conducting recycling program activities. Intergovernmental cooperation efforts will include, but are not limited to, the following:

   A. Ongoing determination of the list of recyclable materials for the NMCRC municipalities.

   B. Development and implementation of joint education programs, including the placement of newspaper ads, website pages and other appropriate media.

   C. Preparation of information for municipality newsletters.

   D. Development and implementation of reporting forms and grant applications and the filing of such forms and applications with the appropriate agencies.

   E. Preparation of informational sheets for municipal waste collectors.

   F. Promulgation of rules and regulations pertaining to the recycling program.

   G. Authorization for the NMCRC Solicitor to seek enforcement against violations of this Part as specified herein.

2. Intermunicipal Agreement.

   A. In order to implement the intent and terms of this Part, the municipality, pursuant to the authority of the Intergovernmental Cooperation Act, Act of

July 12, 1972, codified at 53 P.S. §§481 through 490, and Article 9, §5, of the Constitution of the Commonwealth of Pennsylvania, has determined to enter into an intermunicipal agreement ("IMA") between the municipalities comprising the NMCRC.[4]

B. Terms and Implementation of IMA. The terms and implementation of the IMA shall be as more fully set forth in the IMA and this Part, as follows:

(1) The NMCRC shall develop, implement and maintain a recycling program for the municipalities comprising the NMCRC.

(2) The participating municipalities shall certify that they have enacted a municipal recycling ordinance in a form substantially similar to this Part by providing an executed and attested copy of the ordinance to the NMCRC Solicitor.

(3) The NMCRC shall be authorized to promulgate rules and regulations and administer and enforce those rules and regulations as desired or to delegate such enforcement to the member municipalities.

(4) The NMCRC shall be authorized to enforce the IMA and select municipal ordinances enacted pursuant to the IMA.

(5) The purpose of the IMA is to provide a uniform recycling program for the municipalities comprising the membership of the NMCRC and to minimize duplicative efforts by the member municipalities.

C. Findings under Intergovernmental Cooperation Act. As required by the Intergovernmental Cooperation Act of July 12, 1972, P.L. 762, No. 180, as amended, the following matters are specifically found and determined:

(1) The conditions of agreement are set forth in the IMA.

(2) The duration of the term of the IMA is set forth in §§913 and 914 of the IMA.

(3) The purpose of the IMA is to cooperate with the NMCRC and other participating municipalities in developing, implementing and maintaining a recycling program.

(4) The organizational structure necessary to implement the agreement is set forth in the IMA, with which the member municipalities shall cooperate.

[4] **Editor's Note: The intermunicipal agreement is attached to Ord. 1006 and on file in the office of the Borough Secretary.**

(5) The manner in which property, real or personal, shall be acquired, managed, licensed or disposed of is by way of lease or other contract unless otherwise set forth in the IMA.

(Ord. 1006, 5/21/2007)

§20-209. Ownership of Recyclable Materials and Municipal Waste.

1. All recyclable materials and municipal waste placed at curbside for collection or in any container or dumpster designated for recyclable materials shall become the property of the municipal waste collector providing the service, except as outlined in §20-211 of this Part.

2. It shall be a violation of this Part for any person or entity, other than the municipal waste collector providing the service, to collect or remove any of the recyclable materials from their designated collection location, except as outlined in §20-211 of this Part. Each unauthorized collection from one or more designated locations on one calendar day, in violation hereof, shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 1006, 5/21/2007)

§20-210. Alternate Recycling Activities.

1. Any person, volunteer organization or other entity may utilize alternative methods, other than collection by a municipal waste collector, to accomplish the purpose of reutilizing recyclable materials. Any such person, volunteer organization or other entity shall register such programs with the NMCRC recycling consultant and the municipality where the recycling activity shall take place. All recyclable materials tonnage data shall be collected and reported to the NMCRC recycling consultant in accordance with all applicable procedures for the reporting of such information.

2. The NMCRC is authorized to permit an alternate recycling program to be developed in accordance with Paragraph 1501(h) of Act 101 if the requirements of that paragraph can be complied with. The NMCRC shall, before implementation of the program, review and approve the program. The municipal waste collector conducting the program must provide annual written documentation to the NMCRC of the total quantity of each material recycled.

(Ord. 1006, 5/21/2007)

§20-211. Handling of Leaf Waste.

1. Each municipal waste collector shall provide leaf waste collection service during the fall of each year.

2. Leaf waste collection shall be conducted by municipal waste collectors in accordance with regulations of DEP and leaf waste disposal shall be in a DEP-certified facility in accordance with all applicable state guidelines.

3. All municipal waste collectors shall provide the NMCRC with the name and address of the facility(ies) where the leaf waste will be disposed. Leaf waste shall not be commingled with any other municipal solid waste. The disposal of noncomposted leaf waste at a sanitary landfill or waste-to-energy facility is strictly prohibited.

4. The methodology for separating and collecting leaf waste shall be established by the municipal waste collectors and subject to approval by the NMCRC and municipality. All municipal waste collectors shall provide the NMCRC with a leaf waste collection/disposal plan providing information regarding their expected leaf waste collection and disposal service to their customers on or before June 30 of each year prior to distribution to customers. The NMCRC and/or municipality shall have 60 days to provide comment or the information shall be deemed approved for distribution to customers. Leaf waste shall not be left at curbside more than 24 hours prior to collection and shall not be left in a form that obstructs the flow of traffic or affects the performance of drainage facilities or catch basins.

(Ord. 1006, 5/21/2007)

§20-212. Enforcement and Penalties.

1. Any person or entity violating the provisions of this Part pertaining to the separation of recyclable materials, within the boundaries of any municipality which is a member of the NMCRC, including commingling of recyclable materials with municipal waste by haulers and their employees, shall receive an official written warning sent certified mail, return receipt requested, from the NMCRC Solicitor and/or from the Solicitor for the municipality in which the alleged violation occurred for the first offense. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Part pertaining to the separation of recyclable materials within the boundaries of any municipality which is a member of the NMCRC shall be subject to a criminal fine not to exceed $2,500 per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or the municipality in which the alleged violation occurred before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

2. Any person or entity who shall violate any provision of this Part not covered in Subsection 1 above shall, upon conviction, be subject to a criminal fine not to exceed $1,000 per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or appropriate member municipality before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day on which a violation of this Part continues shall constitute a separate offense punishable by a like fine or penalty.

3. No municipal waste collector shall knowingly collect municipal waste which contains unsegregated recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein regarding the separation of recyclable materials with written notice for the first offense and also provide the NMCRC and the member municipality with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this subsection and collect municipal waste containing recyclable materials or leaf waste from a person or entity who or which has previously been notified by the NMCRC, municipality and/or a municipal waste collector of noncompliance shall receive an official warning from the member municipality and/or NMCRC for the first offense. The municipal waste collector, for subsequent offenses within a two-year period of the warning, upon conviction, shall be sentenced to pay a fine of not less than $1,000 and not more than $5,000, plus damages and costs of prosecution of each and every offense, or, in default of the payment of such fine and costs, to undergo imprisonment for not more than 30 days.

4. The NMCRC is authorized to establish, through its rules and regulations, procedures through which violations of this Part and of the NMCRC's rules and regulations themselves may be determined and administrative sanctions therefor, including but not limited to imposition of monetary penalties.

5. Nothing in this Section shall be construed to limit the NMCRC's remedies, which shall include but not be limited to including the filing of actions at law or in equity seeking damages and/or injunctive relief.

(Ord. 1006, 5/21/2007)

§20-213. Authorization to Execute IMA.

The Borough Council hereby authorizes the President of Borough Council to execute that certain intergovernmental agreement attached hereto as Exhibit "A" between all the municipalities comprising the membership of the Northern Montgomery County Re-

cycling Commission, which IMA sets forth the procedures and administration of the NMCRC.[5]

(Ord. 1006, 5/21/2007)

[5] **Editor's Note: The intermunicipal agreement is attached to Ord. 1006 and on file in the office of the Borough Secretary.**

CHAPTER 21

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PART 1

STREET PLANS

§21-101. Approval of Street Plans.

It shall not be lawful hereafter to lay out, open or relocate any street or alley within the Borough of Ambler without first submitting to the Borough Council a survey or plan thereof and securing the approval of the said Borough Council thereto. Upon such plan being approved the said street or alley shall be recorded upon the Borough Plan of Highways.

(Ord. 210, 7/2/1928, §1; as amended by Ord. 991, 8/15/2005)

§21-102. Street Plans to be Approved Before Sale or Conveyance of Lots.

1. It shall not be lawful hereafter to offer for sale, sell or convey any lot or tract of land with or without improvements thereon, situate within the Borough of Ambler, fronting upon or contiguous to any street or alley hereafter laid out or relocated for public use or travel until the plan of said street shall have been submitted to Borough Council. Said plan shall show the following information:

   A. The location of the said property street, the beginning thereof and the terminus thereof to be fixed by reference to existing ordained streets.

   B. The bed of said proposed streets by metes and bounds, the profile of said proposed street indicating topography and the contours of adjoining lands; the location of any topography or any water courses traversing the proposed street, and the method or drainage proposed for any adjacent or contiguous territory, the terminus thereof to be connected with the Borough's existing storm sewerage system.

2. Upon the tentative approval by Borough Council of the proposed plan, the owner then may, at his sole expense, proceed with the contemplated improvement under the supervision and at the direction of the officers of the Borough. New streets shall be completely constructed, according to Borough specification and at the sole expense of the owner. The applicant shall pay the entire cost for water extensions and connections. Curbs and sidewalks are to be constructed in accordance with existing ordinances and to grades to be furnished by the Borough Engineer. Upon completion thereof and before opening for public use or travel, the said plan shall be resubmitted to Borough Council for final approval and for the placing of said plan of record. Upon final approval thereof, there shall be tendered to the Borough a deed of dedication.

3. No street, alley or drainage facility in connection therewith shall be opened, constructed or dedicated for public use or travel, except in strict compliance with plans approved by the Borough Council.

(Ord. 219, 7/2/1928, §2; as amended by Ord. 340, 7/11/1949, §1; and by Ord. 363, 3/9/1954, §1)

PART 2

STREET EXCAVATIONS

§21-201. Short Title.

This Part shall be known and may be cited as the "Borough of Ambler Street Excavation Ordinance of 2008."

(Ord. 509, 4/13/1964, §1; as amended by Ord. 1016, 5/19/2008)

§21-202. Definitions.

The following words, terms and phrases as used in this Part shall have the meanings given herein. When not inconsistent with the context, words used in the singular include the plural and words in the plural include the singular, and words used in the present tense include the future. The word "shall" is always mandatory:

BOROUGH — the Borough Council, Public Safety Committee, the Borough Engineer or his authorized representatives.

EXCAVATION — any break or opening in the surface or subsurface or any public place in any manner whatsoever.

FACILITY — any pipe, sewer, drain, conduit, tunnel, manhole, duct, vault, buried wire, cable, meter, gauge, valve, regulator, junction box, transformer, tower, wire, pole, anchor, phone booth, curb, curb and gutter, sidewalk, driveway or any other object, structure or material of any kind, whether mentioned herein or not, which may be lawfully constructed, left, placed or maintained in, across, under, over, upon or along any public place.

PERMANENTLY PAVED — any newly paved or repaved street when paved or repaved with concrete, Specification "E" or any other bituminous surfaced road on a stone or concrete base, where the overall thickness of road material is six inches or more.

PERSON OR PERSONS — any person or persons, corporation, partnership, individual, association, company or any organization.

PUBLIC PLACE — any Borough street, road, highway, avenue, lane, place, way, alley, footpath, sidewalk, park or any public property owned or controlled by the Borough.

SUPERPAVE BASE COURSE — hot mix asphalt material meeting the requirements of Section 409 of Pennsylvania Department of Transportation Publication

408, as amended, consisting of 25.0 millimeter graded aggregate, PG 64-22 Asphalt Cement, and 3 to 30 million equivalent single axel loads (ESALs).

SUPERPAVE BINDER COURSE — hot mix asphalt material meeting the requirements of Section 409 of Pennsylvania Department of Transportation Publication 408, as amended, consisting of 19.0 millimeter graded aggregate, PG 64-22 Asphalt Cement, and 3 to 30 million equivalent single axel loads (ESALs).

SUPERPAVE WEARING COURSE — hot mix asphalt material meeting the requirements of Section 409 of Pennsylvania Department of Transportation Publication 408, as amended, consisting of 9.5 millimeter graded aggregate, PG 64-22 Asphalt Cement, 3 to 30 million equivalent single axel loads (ESALs), and minimum skid resistance level (SRL) H.

(Ord. 289, 8/14/199, §3; as amended by Ord. 509, 4/13/1964, §2; by Ord. 785, 11/21/1983; and by Ord. 1016, 5/19/2008)

§21-203. Permits.

It shall be unlawful for any person to make, cause or permit to be made or caused, any excavation or opening in or under the surface of the ground or paved areas, within the boundaries of any public place, for the purpose of installing, repairing, erecting, replacing or making connections thereto, of any facility without first obtaining from the Borough a permit therefor before such work is begun and complying with such other requirements herein specified.

(Ord. 509, 4/13/1964, §3)

§21-204. Application.

Before such permit is issued, a written application on a form to be furnished for that purpose by the Borough must be filed with the Borough Secretary. The written application shall state the name, address and principal place of business of the applicant, setting forth the purpose for which the said public place is to be excavated, the location and dimensions of said excavation and the purpose of the facility. The applicant shall agree to assume all liability for all or any damage to person or property accruing to the public or to the said Borough which may be or might result from the opening, excavating or occupying of said public place.

(Ord. 509, 4/13/1964, §4)

§21-205. Liability and Insurance.

The filing of an application and the issuance of a permit shall constitute an agreement on the part of the applicant to comply with the terms of this Part and all rules, regula-

tions, resolution and requirements of the Borough now in force, or hereafter adopted, and shall constitute an agreement to indemnify and save the Borough harmless from and against all claims, demands and actions for damages either to person or property, that may be sustained by reason of or arising out of any work done or action taken under the application and permit. Prior to the issuance of a permit, the applicant shall file with the Borough a certificate showing the hereinafter mentioned insurance is carried in the specified amounts, obtained from a reputable company, satisfactory to the Borough or file a self insurance certificate as issued by the Pennsylvania Department of Revenue and the Pennsylvania Department of Labor and Industry. Such certificate shall specify that the contractual liability require under this Part is covered and shall specify that the coverage will not be canceled or changed without 10 days prior notice to the Borough.

A. Workmen's Compensation insurance shall be maintained for all employees at the site of the project and in case any work is sublet, the applicant shall require the subcontractor to provide Workmen's Compensation insurance for all the latter's employees, unless such employees are covered by the protection afforded by the applicant. In case any class of employees engaged in hazardous work at the site of the project is not protected under the Workmen's Compensation statute, the applicant shall provide and cause each subcontractor to provide adequate insurance for the protection of his employees not otherwise protected.

B. Comprehensive general liability insurance for bodily injury and property damage shall be taken out and maintained as shall protect the Borough of Ambler, himself and any subcontractor performing work covered by the application from claims for damages for personal injury including accidental death, as well as from claims for property damage which may arise from operations under the application, whether such operations be by himself or by any subcontractor and the amounts of such insurance shall be as follows:

   (1) Bodily injury insurance $1,000,000.

   (2) Property damage insurance $1,000,000.

C. The above policies of comprehensive general liability insurance for bodily injury and property damage must be so written as to include contingent bodily injury and contingent property damage insurance to protect the applicant against claims arising from the operations of subcontractors.

D. The following special hazards shall be covered by rider or riders to the public liability and/or property damage insurance policy or policies herein elsewhere required to be furnished by the applicant or by separate policies of insurance in the same amounts required under public liability and property damage as hereinbefore specified.

(1) For all automobile and automobile trucks owned, used and hired by contractors used in connection with the work covered by the application.

(2) For blasting, if blasting is necessary on the project.

(Ord. 509, 4/13/1964, §5; as amended by Ord. 1016, 5/19/2008)

§21-206. Fees and Costs.

At the time of filing of the application, the applicant shall pay, in addition to the permit fee established by resolution of Council, the estimated costs and fees for construction, permanent restoration, inspection and engineering herewith mentioned. The fee shall be paid to the Borough of Ambler and based on the estimated work involved, is covered by the application. Upon completion of the work and/or restoration, final measurements will be made by the Borough Engineer or his representative to determine the final fee. If the amount paid in advance of the issuance of the permit is insufficient to cover the final fee, a bill will be rendered by the Borough, or if the amount on deposit is in excess of the final fee, a refund shall be made to the permittee.

(Ord. 509, 4/13/1964, §6; as amended by Ord. 662, 4/18/1977; by Ord. 742, 7/20/1981; and by Ord. 785, 11/21/1983)

§21-207. Performance of Work.

All restoration of trenches and excavations shall conform to the regulations of the Department of Labor and Industry, Commonwealth of Pennsylvania, 1959 Edition, or any amendments thereto. Any work where the permittee has the approval of the Borough to make restoration as provided herein in an area where there is no improved surface, shall be restored by the applicant to a condition equal to that existing before the work was performed.

A. Tunneling. Any public place, that is to be tunneled in connection with any work covered by this Part, shall be referred to in the application and specified approval obtained from the Borough and endorsed on the permit. The backfilling shall be done in the presence of a Borough inspector. It shall be made with 1:3:5 damp concrete mix, thoroughly tamped in six inch layers or according to a method satisfactory to the Borough Engineer.

B. Breaking Through Pavement.

(1) Heavy-duty pavement breakers may be prohibited by the Borough when their use endangers existing facilities.

(2) Approved cutting of pavement surface ahead of excavations may be required by the Borough to confine pavement damage to the limits of the trench.

(3) Pavement edges shall be trimmed to a vertical face and aligned with the centerline of the trench.

(4) Unstable pavement shall be moved over cave-ins and over breaks and the resulting subgrade shall be treated the same as the main trench.

(5) Sections of the sidewalk shall be moved to the nearest expansion joint or to the nearest score line.

C. Backfilling Excavations. The permittee shall be responsible for the backfilling on excavations made as a part of his operation in openings in any public place. All excavated material shall be removed from the site by the permittee. All breaks or openings shall be backfilled by the permittee with No. 2A aggregate (Pennsylvania Department of Transportation Specifications), thoroughly compacted, using appropriate and approved mechanical equipment, in layers not exceeding 12 inches in depth to the subgrade of respective surface opened.

D. Temporary Paving. The permittee shall place a temporary paving consisting of tamped fill and a three inch thick bituminous paving rolled and compacted. Maintenance of the temporary paving after completion shall be by the permittee.

E. Permanent Paving.[1]

(1) Altering Drainage Prohibited. Altering drainage shall be prohibited by the following conditions:

(a) Unless specifically authorized by the permit, the permittee may not:

1) Alter the existing drainage pattern of the flow of drainage water.

2) Direct additional drainage of surface water toward, onto, or into or in any way affect any public place.

(b) The permit does not authorize the permittee to direct, divert or otherwise drain surface waters over the property of another property owner.

[1] **Editor's Note: Road Details are included at the end of this Chapter.**

1) The permit does not relieve the permittee from acquiring the consent, permission or other authorization from a property owner who may be adversely affected by drainage alterations.

2) The permittee is responsible for damage caused to property owners as a result of work done under the permit.

(c) A permit will not be issued to authorize the discharge of water into the right-of-way unless the water is surface drainage.

(2) Material and Construction Standards. Permanent paving shall be constructed by the Borough or by the permittee as hereinafter provided, after the installation of the temporary paving. Permanent paving shall not be made until the Borough Engineer has approved its installation. When making the permanent repaving construction, the temporary paving shall be removed from the opening. One foot outside the edge of the opening shall be sawed, in a neat straight line, to the top elevation of the aggregate subbase, and the detached material shall be removed and the edges of the opening shall be made neat and square. The permanent repaving shall consist of one of the following cross sections.

(a) Local and Residential Roads. A four-inch-thick compacted subbase consisting of PennDOT Number 2A aggregate meeting the requirements of Section 350 of Publication 408, 4.5 inches Superpave base course, and 1.5 inches of Superpave wearing course. The materials and workmanship shall be in accordance with PennDOT Specifications, Publication 408, as amended, and as defined in this Part.

(b) Arterial and Collector Roads. A four-inch-thick compacted subbase consisting of PennDOT Number 2A aggregate meeting the requirements of Section 350 of Publication 408, four inches Superpave base course, three inches Superpave binder course, and 1.5 inches of Superpave wearing course. The materials and workmanship shall be in accordance with PennDOT Specifications, Publication 408, as amended, and as defined in this Part.

(3) Additional Restoration. Additional restoration shall be required as follows:

(a) Disturbed portions of a public place, including, but not limited to, slopes and appurtenances and structures such as guide rails, curbs, signs, markings, drain pipes, driveways and vegetation, shall be restored by the permittee to a condition at least equal to that which existed before the start of work authorized by the permit.

(b) The permittee shall, in addition to the restoration conditions outlined in the permit and in this Part, overlay the pavement in accordance with the following conditions:

1) When a longitudinal opening longer than 100 linear feet has been made in the pavement, the permittee shall overlay the traffic lanes in which the opening was made, for the entire length that was opened, in a manner authorized by the Public Safety Committee of the Borough or its authorized representative.

2) When two or more traverse openings have been made within 100 linear feet of pavement, the permittee shall overlay the traffic lanes in which the opening was made, for the entire length that was opened, in a manner authorized by the Public Safety Committee of the Borough or its authorized representative.

3) If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut or milled to a depth of 1.5 inches or the depth of the existing surface course, whichever is less, for the length of the opening to insure a smooth joint, with proper elevation and cross section. A full-width overlay may be authorized instead of saw cutting or milling the disturbed lane.

4) If an opening is made in pavement within three feet from the edge of pavement or other longitudinal joint or opening, the surface restoration shall be extended to the edge of pavement or other longitudinal joint or opening.

5) When pavement markings on more than 100 linear feet of street are covered or destroyed by the permitted work, including overlays, they shall be replaced with temporary markings before opening the disturbed pavement to traffic. When the pavement surface is restored, pavement markings that were covered or destroyed shall be replaced in their former location.

(4) Sealing. Restored openings in the pavement shall be sealed meeting the requirements of Section 401.3(j)(3) of PennDOT Publication 408, as amended.

(5) Maintenance Guarantee. If, within one year after the permanent paving has been installed, defects appear therein resulting because of defective backfilling by the permittee, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving.

Upon application, and approval by the Public Safety Committee of the Borough or its authorized representative, a permittee may install the permanent paving as required herein. The application for such permission shall be made before each calendar year to the Borough upon forms which shall be obtained from the Borough Secretary, together with the following:

(a) A performance bond in an amount equal to the estimated cost of the permanent paving or in an amount equal to the estimated cost of permanent paving where there is to be one or more installations. Such performance bond shall have a surety approval by the Borough Solicitor.

(b) A maintenance bond for one year in an amount sufficient for the maintenance of the permanent restoration, with surety as approved by the Borough Solicitor. The sufficiency of such bond shall be determined by the Public Safety Committee of the Borough or its authorized representative.

(c) Such other information, as the Public Safety Committee of the Borough or its authorized representative may request of the applicant.

F. Curbs, Sidewalks and Gutters. Where the surface of any improved curb, sidewalk, or gutter is broken for any purpose, the permittee shall restore the surface of the curb, sidewalk or gutter in accordance with the existing Borough ordinance and specifications providing the same.

G. Daily Stoppage of Work Requirements. Daily stoppage of work requirements includes the following:

(1) Except for emergency repairs of utility facilities, work within a public place shall be stopped prior to peak traffic hours or as specified in the permit.

(2) At the end of each workday, an opening in a public place shall be one of the following:

(a) Covered with steel plates or bridging over openings which are less than six feet in either length or width. The plates or bridging shall be extended a minimum of 18 inches from each edge of the opening and shall be secured in a safe manner.

(b) Backfilled under Subsection C to the elevation of the subgrade of the respective surface opened and protected under an approved traffic control plan until the surface is restored to its former condition.

(3) The permittee shall protect its openings to provide for the safety of the traveling public, including motorists, bicyclists and pedestrians.

(Ord. 509, 4/13/1964, §7; as amended by Ord. 580, 10/11/1971; by Ord. 677, 9/11/1977; and by Ord. 1016, 5/19/2008)

§21-208. Protection of Existing Facilities.

The permittee shall determine the existence and location of existing facilities and avoid conflict with them. No facility owned by the Borough shall be moved to accommodate the permittee, unless permission is granted by the Borough and the cost be borne by the permittee. The permittee shall support by the latest approved methods all facilities affected by the excavation work, and do everything necessary to support, sustain and protect them, under, over, along or across the work. In case any existing facility is damaged, they shall be repaired by the person owning them and all expenses of such repair shall be charged to the permittee. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any existing facility.

(Ord. 509, 4/13//1964, §8)

§21-209. Openings in Permanently Paved Streets Prohibited Within Five Years of Paving.

It shall be unlawful for any person, firm or corporation to dig, excavate or construct in, on or under any newly permanently paved streets for a period of five years next following the date of the Borough Engineer's certification of the completion of the paving or repaving of the surface of any street in the Borough of Ambler.

(Ord. 509, 4/13/1964, §9)

§21-210. Emergency Openings Within Five Years of Permanent Paving; Fee.

In case of any emergency, the Borough Council may grant permission to dig, open, or excavate in or under any such street within the period of five years upon application therefor accompanied by a fee established by resolution of Council and payable to the Borough of Ambler, which fee shall be in addition to any charge now made for a permit to dig, excavate or open a street.

(Ord. 289, 8/14/1939, §2; as amended by Ord. 785, 11/21/1983)

§21-211. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in

default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 289, 8/14/1939, §4; as amended by Ord. 403, 3/11/1957, §1; by Ord. 509, 4/13/1964, §9; by Ord. 785, 11/21/1983; and by Ord. 991, 8/15/2005)

PART 3

CONSTRUCTION AND REPAIR OF CURBS AND SIDEWALKS

§21-301. Construction of New Curb and Sidewalk.

1. Curb.

   A. Curbs shall be constructed in conformance with materials and construction procedures of Pennsylvania Department of Transportation Specification Publication 408/2003 (Change No. 4, effective October 2, 2005), Section 630, Plain Cement Concrete Curb, not including any subsequent changes, amendments or revisions as prepared by the Pennsylvania Department of Transportation, except as noted below.

   B. Curb shall be 18 inches in depth, eight inches wide, tapered to seven inches at the top in eight inches. The upper edges of the face and back of the curb shall be finished to a radius of 3/4 inch.

   C. Curb shall be formed front and back the full depth.

   D. Curb sections shall be 10 feet in length except where shorter sections are required, but no section may be shorter than four feet.

   E. All curb shall be poured separate of the sidewalk.

   F. All curb, when poured, shall have an expansion joint between the curb and sidewalk.

   G. All roadways shall be replaced to specifications.

   H. Where it is deemed advisable by Borough Council or its authorized representative, due to grades or ground conditions, an additional depth of six inches shall be excavated and course stone shall be laid in the trench and well tamped before constructing the curb.

   I. All curbs shall be constructed under the supervision of Borough Council or its authorized representative and shall be made to conform strictly with this Part unless otherwise directed by Borough Council or its authorized representative.

2. Sidewalk.

   A. Sidewalks shall be constructed in conformance with materials and construction procedures of Pennsylvania Department of Transportation Specification Publication 408/2003 (Change No. 4, effective October 2, 2005), Section 676, Cement Concrete Sidewalks, not including any subsequent changes,

amendments or revisions as prepared by the Pennsylvania Department of Transportation, except as noted below.

B. Sidewalks shall be constructed to conform to the lines and grades as furnished by Borough Council or its authorized representative and shall have a width of at least four feet and shall have a slope to the curb of 1/4 inch to the foot. The walks shall be constructed so that at least two feet shall be on each side of the center line of the sidewalk area which lies between the curb and the property line.

C. Sidewalks that are part of driveway aprons shall be six inches minimum in thickness. Wire or reinforcement rods shall be required.

D. All sidewalks shall be constructed under the supervision of Borough Council or its authorized representative and shall be made to conform strictly with this Part unless otherwise directed by Borough Council or its authorized representative.

3. Driveway Apron.

A. Driveway aprons shall be constructed in conformance with materials and construction procedures of Pennsylvania Department of Transportation Specification Publication 408/2003 (Change No. 4, effective October 2, 2005), Section 676, Cement Concrete Sidewalks, not including any subsequent changes, amendments or revisions as prepared by the Pennsylvania Department of Transportation, except as noted below.

B. All driveway aprons that have sidewalks shall be concrete from rear of curb to back edge of sidewalk. Bituminous paving or macadam are not acceptable materials for use where driveways cross sidewalks.

C. All driveway aprons shall be six inches minimum in thickness and meet the sidewalk and grade at curb depressions. Wire or reinforcement rods shall be required.

D. Driveway grade shall meet the sidewalk grade.

E. No driveway shall exceed 18 feet total width between tangent points of street curb at residential installations without approval of Borough Council or its authorized representative.

F. No driveway shall exceed 35 feet total width between tangent points of street curb at nonresidential installations without approval of Borough Council or its authorized representative.

G. No driveway shall be cut beyond tangent points of radius or extend beyond curb.

H. There shall be a foundation of six inches of compacted crushed aggregate (PennDOT Modified 2A) under all driveway aprons.

I. All driveway aprons shall be constructed under the supervision of Borough Council or its authorized representative and shall be made to conform strictly with this Part unless otherwise directed by Borough Council or its authorized representative.

(Ord. 995, 12/19/2005)

§21-302. Maintenance, Repair, Reconstruction, Replacement or Resetting of Existing Curb and Sidewalk.

1. Where existing curb, sidewalk and/or driveway apron are in need of repair, replacement, reconstruction or resetting, as determined by Borough Council or its authorized representative, said existing curb, sidewalk and/or driveway apron may be replaced to meet or match existing surrounding grades and conditions at the direction and oversight of Borough Council or its authorized representative. Borough Council or its authorized representative may, based on existing conditions, allow for repair, replacement, reconstruction or resetting of existing curb, sidewalk and/or driveway apron that is not fully compliant with §21-301 above. The determination that curb, sidewalk and/or driveway apron is to be repaired, replaced, reconstructed or reset to standards other than those provided in §21-301 will be made by Borough Council or its authorized representative on a case-by-case basis. The standard to which curb, sidewalk and/or driveway apron are to be repaired, replaced, reconstructed or reset will be provided by Borough Council or its authorized representative.

2. Where flagstone curb currently exists and is in need of repair, replacement, reconstruction or resetting, said existing flagstone curb may be replaced to meet or match existing materials, surrounding grades and conditions at the direction and oversight of Borough Council or its authorized representative. Borough Council or its authorized representative may, based on existing conditions, allow for repair, replacement, reconstruction or resetting of existing flagstone curb that is not fully compliant with §21-301 above. The determination that flagstone curb is to be repaired, replaced, reconstructed or reset to standards other than those provided in §21-301 will be made by Borough Council or its authorized representative on a case-by-case basis. The standard to which flagstone curb is to be repaired, replaced, reconstructed or reset will be provided by Borough Council or its authorized representative. Flagstone curb shall only be permitted to repair, replace, reconstruct, reset or preserve existing flagstone curb. Flagstone curb shall neither be installed as new curb nor shall flagstone curb be installed to repair, replace, reconstruct or reset existing concrete curb or any other type of curb.

(Ord. 995, 12/19/2005)

§21-303. Notice to Repair.

When, in the opinion of Borough Council or its authorized representative, the condition of curbs, sidewalks and/or driveway aprons require repair, the property owner or owners shall be given written notice of the required repairs and shall, within 60 days of the receipt of such notice, commence construction, reconstruction, replacement, repair or resetting of said concrete curbs, sidewalks and/or driveway aprons in conformity with §§21-301 and 21-302 of this Part. Upon neglect of the property owner to comply with the requirements as to the construction, reconstruction, replacement, repair or resetting of said curbs, sidewalks and/or driveway aprons, Borough Council or its authorized representative may, after notice as hereinafter set forth, have the work done at the cost of the property owner and collect costs and an additional 10%, together with all charges and expenses, from the property owner and may file a municipal claim therefor or collect the same by action in assumpsit. Notice shall be served upon the owner of the premises to which the notice refers if the owner is a resident of the Borough. If the owner is not a resident, the notice shall be served upon his agent or tenant or upon the occupant of the subject premises. If none of these latter conditions can be met, service shall be by notice posted on the premises.

(Ord. 995, 12/19/2005)

§21-304. Permit Required.

Before any construction, reconstruction, replacement, repair or resetting of any curb, sidewalk or driveway apron shall begin, a permit must be obtained by the property owner or his agent from Borough Council or its authorized representative, and said permit shall be issued upon the application stating the following:

A. Actual owner of real estate.

B. Number of feet to be constructed, reconstructed, repaired, replaced or reset.

C. Name of contractor.

D. Location of pavement relative to curb and property line.

(Ord. 995, 12/19/2005)

§21-305. Authority of Borough to Remove.

Borough Council or its authorized representative shall have the authority to direct to have removed, reconstructed, replaced, repaired or reset any curb, sidewalk and/or driveway apron that has been constructed, reconstructed, replaced, repaired or reset without issuance of a permit or not in accordance with standards provided in this Part. Notification and cost of removal, reconstruction, replacement, repair or resetting of curb, sidewalk and/or driveway apron shall be according to §21-303.

(Ord. 995, 12/19/2005)

§21-306. Penalties.

Any person or persons, firm or corporation, violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $300 and cost of prosecution, and in default of payment of such fine to be caused to be imprisoned for not more than 10 days.

(Ord. 995, 12/19/2005)

PART 4

OBSTRUCTION AND ENCROACHMENTS ON SIDEWALKS

§21-401. Definitions and Interpretation.

The word "person" as used in this Part, shall mean any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and neuter.

(Ord. 417, 3/11/1957, §1; as amended by Ord 418, 3/11/1957, §1; and by Ord. 785, 11/21/1983)

§21-402. Minimum Clearance of Awnings Over Sidewalks.

No person shall install, erect or maintain any awning any portion of which shall overhang any sidewalk in the Borough of Ambler, unless the lowest portion of such awning, when in lowered position, shall be not less than seven feet above the level of such sidewalk.

(Ord. 417, 3/11/1957, §2)

§21-403. Restrictions Upon Placement of Obstructions on Sidewalk.

1. No person shall place or maintain any display, sign, advertising device, box, barrel or any goods, wares or merchandise upon any of the sidewalks in the Borough of Ambler, except temporarily and for the purpose of loading or unloading, in which case the same shall not be allowed to remain upon the sidewalk for more than six hours, and in any case not after sunset or before sunrise, or to occupy more than 1/3 the width of such sidewalk.

2. No person shall deposit or permit to fall or to be deposited upon any of the sidewalks in the Borough of Ambler, anything that constitutes or might become an impediment or obstruction to travel, or that might damage the roadway or sidewalk, or that might interfere with the safe, free and full use thereof by the public.

3. No person shall permit structures such as a wall, fence, sign or other structure or hedge, tree, shrub or other growth to be maintained in or upon or near the sidewalk or right-of-way which shall interfere with the ordinary use of the sidewalk or right-of-way and no such person shall permit branches of trees, hedges or other natural growth to protrude or exist less than eight feet above the sidewalk, except that trunks of growing trees shall not be a violation of this subsection.

4. Trees obstructing vision at corners shall be removed on order of Borough Council.

5. Obstructions to the sight of municipal signs shall be removed by owner or the Borough, and trees, or other growing things shall be so trimmed that such objects shall not be within 10 feet of a street light.

6. Borough approved poles and facilities of a public utility shall be exempt from the provision of this Section.

(Ord. 418, 3/11/1957, §2; as amended by Ord. 785, 11/21/1983; by Ord. 809, 8/19/1985, §1; and by Ord. 825, -/-/1986, §1)

§21-404. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 417, 3/11/1957, §3; as amended by Ord. 418, 3/11/1957, §3; by Ord. 785, 11/21/1983; and by Ord. 991, 8/15/2005)

PART 5

SNOW AND ICE REMOVAL FROM SIDEWALKS

§21-501. Definitions.

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

BUSINESS DAY — any day not a Sunday or a national holiday.

BUSINESS HOURS — hours between 9:00 a.m. and 5:00 p.m. on any business day.

CARTWAY — portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

CORPORATION — natural person, partnership, corporation, association or any other legal entity.

SIDEWALK — portion of a street between the curb lines or the lateral lines of a cartway and the adjacent property lines, intended for use by pedestrians.

STREET OR HIGHWAY — the entire width between the boundary lines of a way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel.

(Ord. 929, 7/15/1997, §1)

§21-502. Responsibility for Removal of Snow and Ice from Sidewalks.

Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk shall remove and clear away or cause to be removed or cleared away snow and/or ice from a path of at least 30 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land. The owner of the real property shall be responsible for conforming to the requirements of this Section where such property is occupied by such owner or the property is unoccupied or vacant or is a multiple dwelling property. The tenant or occupier shall be responsible for the requirements herein where the property is occupied by such tenant or occupier only and regardless of any lease terms which provide to the contrary.

A. Except as provided in Subsection B, all snow and ice shall be removed from sidewalks within 24 hours after the cessation of any fall of snow. Where snow has accumulated on the sidewalk as a result of plowing or clearing the abutting roadway, the accumulation shall be cleared from the sidewalk by the responsible party within 24 hours from its deposit onto the sidewalk.

The "responsible party" is the owner or occupier, as set forth above, even if the snow is deposited or redeposited by the Borough, as a result of plowing or some other third party. To the extent possible, cleared snow shall not be deposited or redeposited onto the roadway.

B. In the event that snow or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Subsection A, cause enough sand or other abrasive material to be put on the sidewalk to make travel reasonable safe and shall, as soon thereafter as weather permits, cause to be cleared a path in the sidewalk of at least 30 inches in width. Snow shall not be deposited on or next to a fire hydrant or loading or unloading area of any public transportation system.

C. Each person responsible for clearing snow or ice as described above shall, within the same 24 hour period, cause to be removed or cleared away any accumulation of snow or ice on a building or other structure that is liable to fall onto any sidewalk, roadway or other public way.

(Ord. 929, 7/15/1997, §2; as amended by Ord. 955, 5/21/2001, §1)

§21-503. Noncompliance; Penalties.

1. In the event that any party responsible for clearing snow as provided herein shall fail or refuse to comply, the Borough may proceed immediately to cause all snow and/or ice to be removed and the Borough may collect the expense thereof from the responsible person and such being in addition to any fine or penalty imposed.

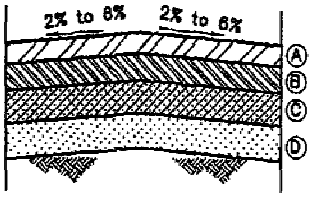
2. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than $25 for the first offense and not more than $1,000 for each subsequent offense plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 929, 7/15/1997, §3; as amended by Ord. 955, 5/21/2001, §2; and by Ord. 991, 8/15/2005)

21 Attachment 1

Borough of Ambler

Road Details



		LOCAL & RESIDENTIAL	ARTERIALS & COLLECTORS
Ⓐ	9.5mm, PG 64-22, 3 TO 30 MILLION ESALs, MIN SRL H, SUPERPAVE WEARING COURSE	1½"	1½"
Ⓑ	19.0mm, PG 64-22, 3 TO 30 MILLION ESALs, SUPERPAVE BINDER COURSE	—	3"
Ⓒ	25.0mm, PG 64-22, 3 TO 30 MILLION ESALs, SUPERPAVE BASE COURSE	4½"	4"
Ⓓ	COMPACTED SUBBASE PENN. D.O.T. AGGREGATE #2A	4"	4"

NOTES:
AFTER CONTRACTOR HAS PREPARED SUBGRADE IN ACCORDANCE WITH PADOT 408, SECTION 210 (SUBGRADE) A SUBGRADE STABILITY VERIFICATION IS REQUIRED PRIOR TO PLACEMENT OF SUBBASE MATERIAL. A TRIAXLE FULLY LOADED MAXIMUM LOAD (QUARRY SLIP OF LOADED WEIGHT WILL BE REQUIRED IN THE FIELD) IS REQUIRED TO RUN OVER ENTIRE ROADWAY SUBGRADE (INCLUDING CURB LINES), OVER ALL TRENCHES AND ANYWHERE DIRECTED BY BOROUGH REPRESENTATIVE IN THE FIELD. AREAS DISPLAYING PRONOUNCED ELASTICITY, PUMPING, MOVEMENT OR DEFORMATION UNDER THE LOADED TRIAXIAL WILL BE NOTED AND MARKED IN THE FIELD. THE AREAS NOTED AND OR MARKED SHOWING UNSTABLE SUBGRADE MUST BE CORRECTED AND REVERIFIED FOR REQUIRED STABILITY PRIOR TO STARTING SUBBASE CONSTRUCTION. ALL AREA THAT ARE TO BE PAVED AND OR CURBED ARE REQUIRED TO BE PROOF ROLLED BY THIS METHOD.

ROAD DETAILS
PAVEMENT SECTION
SHEET 1 OF 3
AMBLER BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA

GILMORE & ASSOCIATES, INC.
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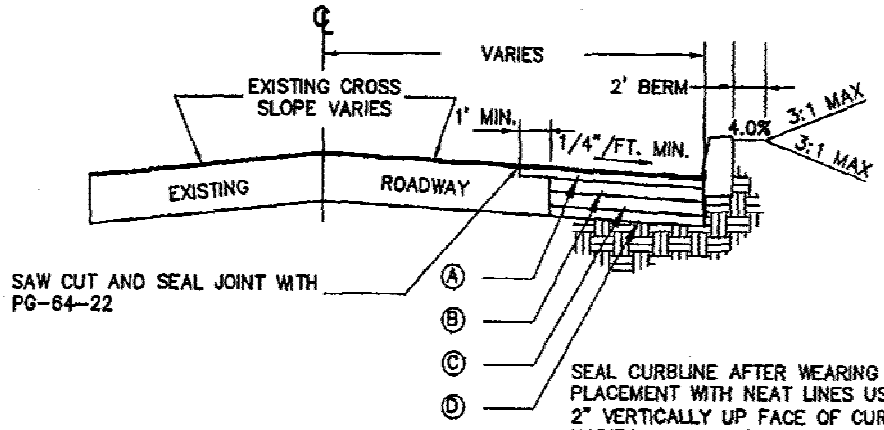
JOB NO.:	DATE: 03-29-07	SCALE: NTS



		LOCAL & RESIDENTIAL	ARTERIALS & COLLECTORS
Ⓐ	9.5mm, PG 64-22, 3 TO 30 MILLION ESALs, MIN SRL H, SUPERPAVE WEARING COURSE	1½"	1½"
Ⓑ	19.0mm, PG 64-22, 3 TO 30 MILLION ESALs, SUPERPAVE BINDER COURSE	—	3"
Ⓒ	25.0mm, PG 64-22, 3 TO 30 MILLION ESALs, SUPERPAVE BASE COURSE	4½"	4"
Ⓓ	COMPACTED SUBBASE PENN. D.O.T. AGGREGATE #2A	4"	4"

NOTES:
1. EXISTING SHOULDER SHALL BE REMOVED. EXISTING ROAD SHALL BE CUTBACK FULL DEPTH, ONE FOOT MINIMUM, OR UNTIL SATISFACTORY DEPTH OF PAVING IS FOUND. LIMITS OF CUTBACK SHALL BE AS APPROVED BY BOROUGH REPRESENTATIVE IN THE FIELD.

2. AFTER CONTRACTOR HAS PREPARED SUBGRADE IN ACCORDANCE WITH PADOT 408, SECTION 210 (SUBGRADE) A SUBGRADE STABILITY VERIFICATION IS REQUIRED PRIOR TO PLACEMENT OF SUBBASE MATERIAL. A TRIAXLE FULLY LOADED MAXIMUM LOAD (QUARRY SUP OF LOADED WEIGHT WILL BE REQUIRED IN THE FIELD) IS REQUIRED TO RUN OVER ENTIRE ROADWAY SUBGRADE (INCLUDING CURB LINES), OVER ALL TRENCHES AND ANYWHERE DIRECTED BY BOROUGH REPRESENTATIVE IN THE FIELD. AREAS DISPLAYING PRONOUNCED ELASTICITY, PUMPING, MOVEMENT OR DEFORMATION UNDER THE LOADED TRIAXIAL WILL BE NOTED AND MARKED IN THE FIELD. THE AREAS NOTED AND OR MARKED SHOWING UNSTABLE SUBGRADE MUST BE CORRECTED AND REVERIFIED FOR REQUIRED STABILITY PRIOR TO STARTING SUBBASE CONSTRUCTION. ALL AREA THAT ARE TO BE PAVED AND OR CURBED ARE REQUIRED TO BE PROOF ROLLED BY THIS METHOD.

ROAD DETAILS
ROAD WIDENING
SHEET 2 OF 3
AMBLER BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA

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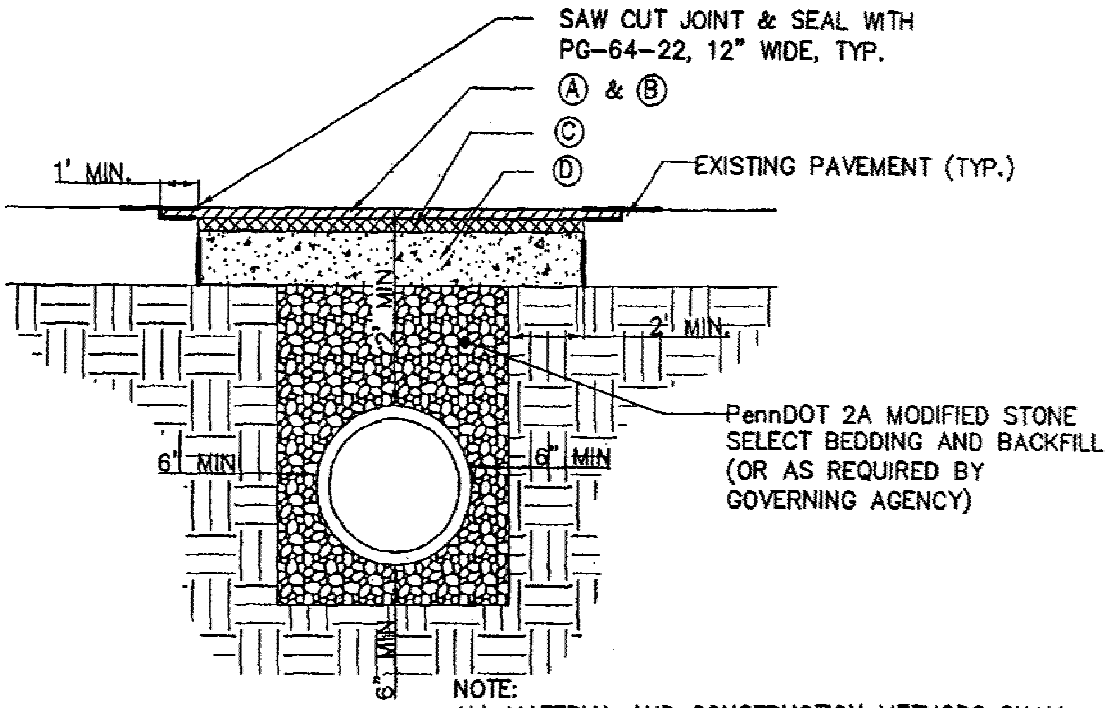

NOTE:
ALL MATERIAL AND CONSTRUCTION METHODS SHALL COMPLY WITH PENNSYLVANIA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS, FORM 408 CURRENT EDITION.

		LOCAL & RESIDENTIAL	ARTERIALS & COLLECTORS
Ⓐ	9.5mm, PG 64-22, 3 TO 30 MILLION ESALs, MIN SRL H, SUPERPAVE WEARING COURSE	1½"	1½"
Ⓑ	19.0mm, PG 64-22, 3 TO 30 MILLION ESALs, SUPERPAVE BINDER COURSE	——	3"
Ⓒ	25.0mm, PG 64-22, 3 TO 30 MILLION ESALs, SUPERPAVE BASE COURSE	4½"	4"
Ⓓ	COMPACTED SUBBASE PENN. D.O.T. AGGREGATE #2A	4"	4"

ROAD DETAILS
ROAD RESTORATION
SHEET 3 OF 3
AMBLER BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA

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CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

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PART 1

TITLE, PURPOSE, INTERPRETATION, SUBDIVISION AND LAND DEVELOPMENT

§22-101. Title and Purpose.

1. Short Title. This Chapter shall be known and may be cited as the "Ambler Borough Subdivision and Land Development Ordinance."

2. Purpose. This Chapter is adopted for the following purposes:

   A. To protect and promote safety, health and morals by providing adequate open spaces for circulation, recreation, light and air and for proper distribution of population.

   B. To provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical and cultural facilities, development and growth, as well as the improvement of governmental processes and functions.

   C. To accomplish orderly, efficient, integrated and harmonious development of the Borough, consistent with the Borough's Comprehensive Plan.

   D. To guide uses of land and structures, type and location of streets, drainage facilities, sewers and other public improvements and to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources.

   E. To ensure conformance of subdivision and land development plans with the development of public facilities in the Borough of Ambler.

   F. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards.

   G. To ensure that the layout and arrangement of the subdivision or land development plan is in conformance with Ambler's adopted Comprehensive Plan and Zoning Ordinance [Chapter 27] and to any regulations or maps adopted in furtherance thereof.

3. Interpretation. The provisions of this Chapter shall be held to be minimum requirements to meet the above-stated purposes. Where the provisions of this Chapter impose greater restrictions than those of any other statute, ordinance or regulations, then the provisions of this Chapter shall prevail. Where the provisions of any other statute, ordinance or regulations impose greater restrictions than those of this Chapter, the provisions of such statute, ordinance or regulations shall prevail.

(Ord. 895, 2/22/1993, Art. I, §100)

§22-102. Subdivision and Land Development Control.

1. Subdivision of a Lot or Construction, Opening or Dedication of a Street. No subdivision or land development of any lot, tract or parcel of land shall be made and no street, alley, sanitary sewer, storm drain, water main, gas, oil and electric transmission line or other improvements in connection therewith, shall be laid out, constructed or dedicated for public use or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with this Chapter.

2. Sale of Lots, Issuance of Building Permits and/or Occupancy Permits or Erection of Buildings. No lot in a subdivision or land development may be sold and no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued unless and until a plan has been approved and, where required, recorded and until the required improvements in connection therewith from the lot or building to an existing improved street have either been constructed or the Borough has been assured that the improvements will subsequently be installed by means of a proper completion guarantee as provided in Part 5, "Fees, Conditions of Acceptance and Penalties." An occupancy permit shall not be issued until completion or improvements unless Borough Council decrees there are extenuating characteristics and orders it issuance.

(Ord. 895, 2/22/1993, Art. I, §101)

PART 2

DEFINITIONS

§22-201. General Usage.

1. Words used in the singular include the plural and words in the plural include the singular, words used in the masculine gender include the feminine and words in the feminine gender include the masculine. The word "person" includes natural persons, corporation, associations and partnerships. The word "building" includes the word "structure" and both shall always be construed as if followed by the words "or part thereof." The word "occupied" includes the words "arranged, designed or intended to be used." The word "may" is permissive and the words "shall" and "will" are always mandatory.

2. All definitions necessary for interpreting the engineering standards and requirements as well as the landscape standards being Appendices A and B hereof respectively, shall be as set forth in this Chapter, unless defined in said appendices in which the definition contained therein shall control.

(Ord. 895, 2/22/1993, Art. II, §200)

§22-202. Definition of Terms.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings indicated:

ACCEPTED ENGINEERING PRACTICE — that which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

ACCESS STRIP — a piece of land at least 25 feet wide which provides access from a public street to a rear lot, but which does not meet the minimum requirements of the Chapter with respect to lot width at the building line.

ACCESSORY BUILDING — a building subordinated to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

AGENT — any person, other than subdivider, who, acting for the subdivider, submits to the Borough Administrator subdivision or land development plans for the purpose of obtaining approval thereof.

ALLEY — a service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION — as applied to a building, any change or rearrangement in the structural parts or in the exit facilities or any enlargement, whether by extension on any side or by any increase in height, or the moving from one location or position to another.

APPLICANT — a landowner or developer, as hereinafter defined, who has filed an application for approval of subdivision or land development plan, including his heirs, successors, agents and assigns.

APPLICATION FOR SUBDIVISION OR LAND DEVELOPMENT — every application, whether tentative, minor subdivision or minor land development, preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a development plan.

BALCONY — an open air platform projecting from a building, enclosed by a railing or parapet, usually supported by brackets.

BLOCK — an area bounded by streets or streets and natural or manmade features.

BOROUGH COUNCIL — the Ambler Borough Council, Montgomery County, Pennsylvania.

BUFFER — an area designed and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

BUFFER, OPEN — a buffer normally comprised of grass, ground cover and/or possibly other landscaping material having a specified depth, components to achieve a certain height or density, the purpose of which is to achieve adequate spacing and attractive landscaping between two or more actively used areas.

BUFFER, SCREEN — a buffer comprised of natural and/or manmade material arranged in a certain specified depth, height and density to effectively block the view from one side to another during all seasons of the year and to reduce the transmittal of noise and odors between the sides.

BUILDER — a person who is charged with the responsibility of construction of buildings or other structures or of making any construction improvements on any parcel of land.

BUILDING — any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING AREA — the horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot. Porches, decks and patios, as defined herein, are also included in the building area. Also referred to as building coverage.

BUILDING COVERAGE — the maximum horizontal area covered by buildings at or above grade.

BUILDING ENVELOPE — the area on a lot where the principal building(s) are permitted to be erected. This area is defined by the limits of the required front, side and rear yard areas, as delineated by the respective building setback lines.

BUILDING LINE — the line which serves as the rear boundary of the minimum required front yard and creates the front line of the building envelope. Also referred to as front building setback line.

BUILDING SETBACK LINE — lines parallel to the lot lines measured at distances equal to the depths of the minimum required front, side and rear yards. The building setback lines create the boundary of the building envelope.

CALIPER — diameter of a tree's trunk measured 12 inches from the ground.

CARTWAY — the portion of a street or alley intended for vehicular use, exclusive of the sidewalk, berm or shoulder.

CONDOMINIUM — ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, together with individual ownership in a fee of a particular unit or apartment in such buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

COMMON OPEN SPACE — an area of land and/or water used for recreation, resource protection, buffers or common use and restricted for such uses for residents of a development and possibly for the general public. Common open space does not include land occupied by buildings, roads or road right-of-way, nor does it include the yards or lots of single or multifamily dwelling units or parking area as required by the Borough's Zoning Ordinance [Chapter 27]. Common open space used for recreation may contain impervious surfaces, which shall be included in the calculation of the impervious surface ratio.

COMMON PARKING — any parking area used by three or more dwelling units or two or more nonresidential establishments subject to the provisions of Part 21, "Off-Street Parking and Loading," of the Zoning Ordinance [Chapter 27].

COMPREHENSIVE PLAN — the current, officially adopted Ambler Borough Comprehensive Plan, consisting of maps, charts and textual matter, as well as any revisions thereto.

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

CORNER LOT — a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135°. It is the land occupied or to be occupied by the corner building and its accessory building.

COUNTY PLANNING COMMISSION — the Planning Commission of Montgomery County.

CROSSWALK — a right-of-way for pedestrian travel across a street connecting two blocks.

CUL-DE-SAC — a street with access at one end and terminated at the other by a paved vehicular turnaround.

CURB LINE — the outermost edge of the cartway or roadway.

CUT — an excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in an excavation.

DECK — an unroofed structure elevated 18 inches or more above ground level, usually attached to or part of and with direct access to or from a building.

DENSITY — the number of dwelling units per developable acre.

DEPARTMENT OF ENVIRONMENTAL PROTECTION — the Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it.

DETENTION POND — an area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPABLE ACRE — the gross land area of the proposal minus:

A. All land within legal rights-of-way of all roads abutting or traversing the proposed subdivision or land development.

B. Floodplains and soils with slopes of 15% or greater.

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 land development.

DEVELOPMENT — any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, retaining walls, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading excavation or drilling operations and the subdivision of land.

DEVELOPMENT PLAN — the provisions for development, including a plan of subdivision or land development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, ways, common open space and public facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

DRAINAGE — the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY — any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY — the lands required for the installation of stormwater sewers or drainage ditches or required along a stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY — a private way providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.

DWELLING — a structure or portion thereof which is used exclusively for human habitation.

A. Single-Family Detached Dwelling. A dwelling designed for and occupied exclusively by one family and having no party wall in common with an adjoining property.

B. Two-Family Dwelling. A dwelling designed for and occupied exclusively by two families.

(1) Twin. A two-family dwelling with one dwelling unit on each side of the vertical party wall.

(2) Duplex. A two-family dwelling with one dwelling unit located over the other and separated by an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both units.

C. Single-Family Attached Dwelling. A dwelling designed for an occupied exclusively by one family and having no more than two party walls in common with any other dwelling.

(1) Quadruplex. Four single-family attached dwellings in one structure in which each dwelling has two open space exposures and shares one or more party walls with adjoining units.

(2) Townhouse. A single-family attached dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is separated from any other by one or more vertical party walls.

D. Multifamily Dwelling. A dwelling designed for and occupied exclusively by more than two families.

(1) Garden Apartment. A multifamily dwelling of three stories or less in height, excluding residential conversions.

(2) Mid-Rise Apartment. A multifamily dwelling of four full stories or more in height, excluding residential conversions.

DWELLING UNIT — two or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

EASEMENT — a right-of-way or other right granted by a property owner for the use of a designated part of his property for certain public or quasi-public purposes.

ENDORSEMENT — the review stamp of the Montgomery County Planning Commission.

ENGINEER — a professional engineer licensed as such in the Commonwealth of Pennsylvania.

EROSION — the removal of surface materials by the action of natural elements.

EXCAVATION — any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bull dozed, as well as the conditions resulting therefrom.

FILL — the conditions resulting from filling, the difference in elevation between the point on the original ground and a designated point of higher elevation of the fixed grade. Also, the material used to make fill.

FILLING — any act by which natural material are placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the

ground or on top of the natural surface of the ground or on top of the stripped surface.

FLOODPLAIN RELATED TERMS –

A. Base Flood. The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared. For the purposes of this Chapter, it shall be the 100 year flood as referenced in the current Flood Insurance Study, Ambler Borough and delineated on the Flood Insurance Rate Map of the Federal Insurance Administration.

B. Base Flood Elevation. The 100 year flood elevation as referenced in the flood insurance study. Within the approximated floodplain, alluvial soils floodplain or other similarly documented areas, the 100 year flood elevation shall be established as a point on the boundary of the floodplain nearest to the construction site in question.

C. Basement. Any area of the building having its floor below ground level on all sides.

D. 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.

E. Completely Dry Space. A space which will remain totally dry during flooding, the structure is designed and constructed to prevent the passage of water and water vapor.

F. Development. Any manmade 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.

G. Essentially Dry Space. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage, the structure is substantially impermeable to the passage of water.

H. FEMA and FIA. The Federal Emergency Management Agency and the Federal Insurance Administration who have jurisdiction over the National Flood Insurance Program and its related studies and regulations. FEMA is the parent agency of the FIA.

I. Flood. A temporary condition of partial or complete inundation of normally dry land areas.

J. Flood Insurance Rate Map. The official FIA map which shows special hazard zones and risk areas for insurance rating purposes. For the purposes of this Chapter it also delineates floodplain areas.

K. Flood Insurance Study. The examination and determination of flood hazards by the FIA. The flood elevations contained in this study are used for floodplain management purposes as related to this and other ordinances.

L. Floodplain. A relatively flat or low area adjoining a stream, river or watercourse which is subject to partial or complete inundation during a 100 year flood or any area subject to the unusual and rapid accumulation of surface water from any source, also referred to as flood prone area. The source of this delineation is the Flood Insurance Rate Map of Ambler, available at the Borough Hall and at the Montgomery County Planning Commission. Development within the floodplain is regulated by the Floodplain Conservation District of the Borough's Zoning Ordinance [Chapter 27].

M. Floodplain Management. The application of a program or activities which may consist of both corrective and preventive measures for reducing flood damages.

N. 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. Such measures are set forth in the Floodproofing Regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2 314 (June, 1972 and as subsequently amended). Floodproofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations. In said publication where reference is made to "below" (or above) the "BFD" (base flood datum) it shall be interpreted as meaning below (or above) the base flood elevation.

O. Floodway. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100 year magnitude.

P. Identified Floodplain Area. The floodplain area specifically identified in this Chapter as being inundated by the 100 year flood. Included would be areas identified as Floodway (FW), Flood Fringe (FF) and General Floodplain (FA).

Q. Lowest Floor. The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for the 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 Chapter.

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

S. New Construction. Structures for which the start of construction commenced on or after the effective date of this Chapter and includes any subsequent improvements thereto.

T. One Hundred Year Flood. A flood that has one change in 100 or 1% chance of being equaled or exceeded in any one year. For the purposes of this Chapter, the 100 year flood (base flood) as defined by the Federal Insurance Administration in the Flood Insurance Study.

U. 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.

V. Recreational Vehicle. A vehicle which is:

(1) Built on a single chassis.

(2) Not more than 400 square feet, measured at the largest horizontal projections.

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

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

W. Regulatory Flood Elevation. The 100 year flood elevation plus a freeboard safety factor of 1 1/2 feet.

X. Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition

would equal to or exceed 50% or more of the market value of the structure before the damage occurred.

Y. Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceed 50% of the market value of the structure either:

(1) Before the improve or repair is started.

(2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affect the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

(2) Any alteration of a structure listed on a National register of historic places or a State inventory of historic places.

FRONTAGE — the length of the lot line abutting a public or private right-of-way.

GRADE — a change in elevation of a street or parcel of land specified in percent and shown on plans as specified herein.

GRADING AND DRAINAGE PLAN — a plan showing all existing ground features and proposed surface and subsurface drainage facilities, described by grades, contours and topography.

GROSS FLOOR AREA — the total area included within the exterior walls of a building, exclusive of open courts.

GROUND COVER — low growing plan materials planted in a manner to provide continuous plant cover of the ground surface, lawn, ivy and other low plant materials are included. Non-plant ground cover may also include bark and wood chips, gravel and stone; provided, they are maintained as a continuous pervious cover.

HEIGHT — the height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof; provided, that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the height.

IMPROVEMENT — grading, paving, curbing, street lights and signs, fire hydrants, wells, water mains, sanitary sewers, storm drains, sidewalks, retaining walls, parking area, landscaping or recreation area.

LAND DEVELOPMENT –

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

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

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

B. A subdivision of land.

C. Residential conversions as defined in the Zoning Ordinance [Chapter 27].

D. Accessory buildings as defined in the Zoning Ordinance [Chapter 27].

LANDOWNER — the legal or beneficial owner or owners of land, or a building thereon, or a portion of either, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

LEGAL RIGHT-OF-WAY LINE — the legal boundary line between a street right-of-way and adjacent property. Also referred to as street line and front lot line.

LOT — a parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, together with such open spaces as are required, having at least the required minimum area and minimum lot frontage on a public street.

LOT AREA — the total horizontal area of the lot lying within the lot lines excluding the area between street centerlines and legal right-of-way lines and the area of access strips to rear lots. Areas of the lot with width less than 75% of the minimum required lot width for the district in which the lot is located (corners of wedge shaped lots and panhandles) are also not counted toward lot area.

LOT, CORNER — a lot abutting on and at the intersection of two or more streets. A corner lot has two front yards and must have a designated rear and side yard.

LOT FRONTAGE — the length of the front lot line measured at the legal right-of-way line.

LOT LINE — any property boundary line of a lot, further defined as follows:

A. Front Lot Line. The lot line for such portion of the lot as abuts the street. The front lot line shall be deemed to be the same as the legal right-of-way line or street line and shall not be the centerline of the street or any other line within the street, even though such may be the property boundary line.

B. Rear Lot Line. The lot line not intersecting the front lot line that is most distant from and most closely parallel to the front lot line.

C. Side Lot Line. The lot lines most nearly perpendicular to the front lot line.

LOT, REAR — a lot which conforms in all respects to the dimensional requirements of the district in which it is located, except that road frontage and access are limited to a strip of land which is narrower than the required lot width of that district. Rear lots do not include the wedge shaped lots commonly located on a cul-de-sac turnaround. Rear lots are also commonly referred to as flag lots.

LOT WIDTH — the horizontal distance between the side lot lines, measured at the legal right-of-way line, except that for lots bordering the turnaround portion of a cul-de-sac, lot width may be measured at the building line. Required lot width shall extend the full depth of the lot from the front lot line to the rear building setback line of the building envelope.

MOBILE HOME — a single-family detached dwelling intended for permanent occupancy, which may not meet local building codes, but does meet the standards of appropriate Federal agencies and is so certified, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, including any roofed addition such as extra rooms, covered patios, porches, etc.

MOBILE HOME LOT — a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOME — a single-family or multifamily dwelling intended for permanent occupancy, made by assembling one or more prefabricated three-dimensional sections into an integral living unit, whose construction materials and specifications conform to those of conventionally built units.

MUNICIPAL AUTHORITY — a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

NEW CONSTRUCTION — structures for which the start of construction as herein defined commenced on or after the effective date of this Chapter. This term does not apply to any work on a structure existing before the effective date of this Chapter.

PARKING SPACE — a reasonably level space, available for the parking of one motor vehicle, not less than nine feet wide and 18 feet long and covered with a dust-free, all weather surface.

PATIO OR TERRACE — a level, landscaped and/or surfaced area directly adjacent to a principal building at or within 18 inches of ground level and not covered by a permanent roof.

PLAN — a graphic depiction, along with the necessary text, of a proposed land development and/or subdivision.

PLAN, IMPROVEMENT CONSTRUCTION — a plan showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this Chapter showing the details required by Part 3 of this Chapter.

PLAN, LAND DEVELOPMENT — a tentative, preliminary or final plan, including written and graphic material showing the provision for development of a tract, when plans of subdivision would not be applicable.

PLAN, MINOR LAND DEVELOPMENT — a land development that contains only one residential building with less than five dwelling units, has not been part of a land development submitted within the past three years, presently fronts on physically improved street that is legally open to the public, will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements and conforms with the Borough Comprehensive Plan and other Borough plans and meets the requirements of the Borough Zoning Ordinance [Chapter 27].

PLAN, MINOR SUBDIVISION — the division of a single lot, tract or parcel of land, not a part of a prior subdivision within the past three years, into less than four lots, tracts or parcels of land for the purpose, whether immediate or future, of lease, transfer of ownership or the act of building structures and installing site improvements for residential sue, such lots shall front on a physically improved street that is legally open to the public, not involve any new street or road or the extension of Borough facilities or the creation of any public improvements and requires a variance(s) from the Zoning Ordinance [Chapter 27] for no more than one of the proposed lots on which new construction will or may occur and conforms

with the Borough Comprehensive Plan and other Borough plans and meets the requirements of the Borough Zoning Ordinance [Chapter 27].

PLAN, PRELIMINARY — a plan of subdivision or land development in lesser detail than a final plan prepared for discussion with the Planning Commission and Borough Council showing the proposed street and lot layout, buildings related to topography, the deed restrictions, easements and all other items required under Part three of this Chapter for the entire parcel of land being subdivided.

PLAN, RECORD — a plan prepared for recording showing the ultimate width of streets, the lot lines, easements and all other items required under Part 3 of this Chapter.

PLAN, SOIL EROSION AND SEDIMENTATION CONTROL — a plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

PLAN, TENTATIVE SKETCH — a draft showing proposed streets, lots or buildings related to topography, that is to be used as the basis for informal discussion between the representatives of the Borough Planning Commission and the subdivider, developer or builder prior to the submission of a preliminary plan.

PLANTING AREA — any area designated for landscaping purposes.

PLAT — the map or plan of a subdivision or land development, whether preliminary or final.

PORCH — a roofed open area, which may be enclosed with glass or screening, usually attached to or part of and with direct access to or from a building.

PUBLIC GROUNDS — includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING — a forum held pursuant to notice under 65 Pa. C.S. Ch. 7 (Relating to open meetings).

PUBLIC NOTICE — notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC STREET — a street that has been dedicated to the Borough.

RENEWABLE ENERGY SOURCE — any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RESERVE STRIP — a parcel of land who primary function is to separate a street from adjacent properties, while not being used or capable of being used as a building lot, open space or recreation area or legitimate environmental protection purposes.

RETENTION BASIN — a structure area for the permanent storage of water runoff.

RIGHT-OF-WAY — a legally created right of passage over another's ground, including a path or thoroughfare which one may lawfully use and existing or future public road or land used for public purposes.

RUNOFF — the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil, but runs off the surface of land.

RUNOFF FROM A FULLY DEVELOPED AREA UPSTREAM — the surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the Borough Comprehensive Plan.

SEDIMENTATION — the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

SHRUB — a woody perennial plant having persistent woody stems, branching from the base.

SIGHT DISTANCE, STOPPING — the distance of unobstructed view along the centerline of a street from the driver's eye-height of 3 1/2 feet to the furthest visible point six inches above the street surface.

SLOPE — the face of an embankment or cut section, any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL STABILIZATION — the process of returning soil to the static condition where it will not slide, settle or erode, is generally done by means of establishing some type of groundcover.

SOIL SURVEY — the Montgomery County Soil Survey of 1967, prepared by the Soil Conservation Service of the U.S. Department of Agriculture and any revision thereto.

START OF CONSTRUCTION — land preparation such as cleaning, grading and filling, the installation of streets and/or walkways, the excavation for a basement, footing, piers or foundations, the installation on the property of accessory buildings, the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings. For a structure (other than mobile home) without a basement or poured footings, the "start of construction" would include the first permanent framing or assembly of structure or any part thereof on its piling or foundation.

STREET — a public or private right-of-way serving as a means of vehicular and pedestrian travel, furnishing primary access to abutting properties, which may also be used to provide space for sewers and other public utilities.

STREET CLASSIFICATIONS — street classifications established by the American Association of State Highway and Transportation Officials (AASHTO), which have been adopted by the Pennsylvania Department of Transportation (PennDOT) in its design manual. Every street, road or highway within the Borough is classified by its function as one of the following:

A. Freeways and Limited Access Highways. Expressways with fully-controlled access. Through traffic is given preference, with access permitted only at interchanges with selected public roads, at-grade crossings and direct private driveway access are prohibited. Route 309 and the Pennsylvania Turnpike are the only highways in the area under this classification and there are no such highways within the Borough.

B. Arterials. Provide a relatively high speed, high volume network for travel between major points. They are further classified into the following subclassification and are regulated as explained therein:

   (1) Principal Arterials. Carry most trips entering or leaving area. Butler Pike is a principal arterial.

(2) Minor Arterials. Interconnect with an augment principal arterials. They accommodate trips of moderate length and emphasize access to services. Bethlehem Pike is a minor arterial.

C. Collectors. Serve mainly to collect traffic from local streets and channel it to arterials. They carry moderate traffic volumes at moderate speeds. They are further divided into major and minor collector roads, but both have the same right-of-way and cartway width requirements.

(1) Major Collectors. Serve the more important intracounty travel corridors. Tennis Avenue, North Main Street between Tennis and Butler Avenue and North Spring Garden from the Borough boundary to Tennis Avenue are classified as major collectors.

(2) Minor Collectors. Provide service to the remaining small communities. Hendricks Road, Lindewold Avenue, Mattison Avenue, Rosemary Avenue, Mt. Pleasant Road, South Main Street and Bannockburn Road are minor collectors.

D. Local Roads and Streets. Provide access to most properties within the Borough, linking them to the collector road network. They provide for travel over relatively short distances and have relatively low traffic volumes. Through traffic movement is discouraged on local roads. Local streets in the Borough are all other streets not listed in one of the higher classifications. They can be further classified as follows:

(1) Residential Subdivision Streets. Provide vehicular access and street frontage to lots and dwellings within a residential subdivision.

(2) Nonresidential Subdivision Streets. Provide vehicular access and street frontage for industrial or commercial lots and land uses.

(3) Marginal Access Streets. A street parallel or adjacent to a major street providing access to abutting properties by a cartway separated from the major streets by a reserve strip.

STREET, LOCAL ACCESS — are used primarily to provide access to abutting properties.

STREET, COLLECTOR — those which in addition to giving access to abutting properties connect local access streets to primary arterials and which carry traffic to community facilities and to primary arterial streets. Streets in industrial and commercial subdivisions shall generally be considered collector streets.

STREET LINE — the front lot line of a property which abuts the street, synonymous with front lot line and legal right-of-way line.

STREET, MARGINAL ACCESS — a street parallel and adjacent to a primary street providing access to abutting properties by a cartway separated from the primary street by a reserve strip.

STREET, PRIMARY ARTERIAL — a street intended to move heavy volumes of fast moving traffic to and from major attractors within the Borough and/or to serve as a route for traffic between communities or large areas.

STREET, RESIDENTIAL — a street used primarily as the principal means of access to local properties and which carries a small volume of traffic.

STREET RIGHTS-OF-WAY — rights-of-way for street purposes are defined as follows:

A. Legal Right-of-Way. The street right-of-way legally in the public domain at the time a plan is submitted.

B. Ultimate Right-of-Way. The street right-of-way projected as necessary for adequate handling of anticipated maximum traffic volumes. The ultimate right-of-way is the legal right-of-way where it has been offered for dedication and accepted by the Borough.

STRUCTURE — any form or arrangement of building material involving the necessity of providing proper support, bracing, anchoring or other protection against the elements.

SUBDIVISION — the division or redivision of a lot, tract or parcel of land by any means into two 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 10 acres, not involving any new street or easement of areas or any residential dwelling shall be exempted.

SUBSTANTIALLY COMPLETED — where in the judgment of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to §509 of the Municipalities Planning Code of 1988) of those improvements required as a condition of final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEY MONUMENT — a specified structure of masonry or steel permanently placed on or in the ground for surveying reference.

SURVEYOR — a land surveyor, licensed as such in the Commonwealth of Pennsylvania and competent in the skills needed to conduct the surveys, layout the subdivision plans and install all markers required by the terms of this Chapter.

SWALE — a low lying stretch of land which gathers or carries surface water run-off.

TOPSOIL — surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

TRACT AREA — the total acreage within the lot lines, excluding rights-of-way of existing public roads.

TREE — any woody plant with a well defined stem at least four inches in caliper measured at a height of six inches above the natural grade.

TREE MASS — a grouping of three or more trees at least 1 1/2 inches in caliper within a 100 square foot area.

TRANSFERABLE DEVELOPMENT RIGHTS — the attachment of development rights to specified lands which are desired by the Borough to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the Borough where more intensive development is deemed by the Borough to be appropriate.

ULTIMATE RIGHT-OF-WAY — the right-of-way width of a street or other corridor as computed from the centerline, which is expected to be needed in the future to adequately and properly accommodate the anticipated vehicular and pedestrian traffic and related appurtenances, based on the function of the road in the circulation system, as set forth in the Ambler Borough Comprehensive Plan of 1968, Chapter 8, Circulation Plan.

USE AREA — any area of land that is given to one category of land use and is used to compute the net density of that use.

VEHICULAR USE AREA — any paved ground surface, except a street, used by any type of vehicle whether moving or at rest.

VIEWSHED — the viewing area readily perceived by the observer, commonly delineated by visual accents such as, but not limited to, historic structures or structures in architectural interest, stone walls and watercourses and tree lines or ridges.

VISUAL SCREEN — a barrier of living or nonliving landscape material put in place for the purpose of obscuring the view of the premises screened, also called a buffer.

WATERCOURSE — a permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or manmade.

WATER SURVEY — an inventory of the source quantity, yield and use of groundwater and surface water resources within a municipality.

WETLANDS — those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, in accordance with the most current Federal and State regulations. Wetlands generally include swamps, marshes, bogs and similar areas.

WETLAND DELINEATION — the line depicting the uppermost edge of a wetland area or the line separating the wetland areas from upland area, as established by a qualified professional utilizing the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" dated January, 1989, or as revised. This delineation shall be verified by the regulatory agency or agencies having the jurisdiction to verify said delineation.

YARD — the area(s) of a lot which must remain free of principal buildings and may be used as law or planted area, parking or driveway space, in compliance with the provisions of this Chapter. A required yard is measured at right angles from the lot line to the required building setback line forming the building envelope. Yard is further defined as follows:

A. Required Front Yard. The area extending across the entire width of the lot and situated between the building line and the ultimate right-of-way line of the lot, as required by zoning district.

B. Required Rear Yard. The area extending across the entire width of the lot and situated between the rear building setback line and the rear lot line. Rear yard depth shall be measured at right angles to the rear line of the lot.

C. Required Side Yard. The areas lying between the side lines of the lot and the side building setback lines and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to side lines of the lot.

(Ord. 895, 2/22/1993, Art. II, §201; as amended by Ord. 926, 4/15/1997, §2; and by Ord. 995, 12/19/2005)

PART 3

PLAN SUBMISSION REQUIREMENTS AND PROCESSING PROCEDURES

§22-301. Applicability.

The procedures set forth in this Part shall be followed by all applicants proposing to subdivide or develop land in the Borough of Ambler.

(Ord. 895, 2/22/1993, Art. III, §300)

§22-302. Plans for Subdivision and Land Development.

1. A tentative sketch plan, as described in §22-303 herein, may be submitted by an applicant to the Borough Planning Commission for informal discussion. Said tentative sketch plan is optional and shall not be considered a formal application subject to the plan processing steps of §22-308I of this Part.

2. A preliminary plan, as described in §22-305 herein, is required for all applicable subdivision and land developments proposed within the Borough.

3. A final plan, as described in §22-306 herein, is required for all applicable subdivisions and land developments proposed within the Borough.

   A. A final plan shall consist of two parts:

      (1) Record Plan. As described in §22-306A herein.

      (2) Improvements Construction Plan. Where applicable, as described in §22-306B herein.

   B. A plan showing all information required for a final plan, which has been submitted as a preliminary plan and for which no changes have been required by the Borough, may be approved as a final plan.

4. A land development plan, as described in §22-307 herein, shall be required for all land developments in accordance with the definition of same as provided in this Chapter. A land development plan may be required in conjunction with a subdivision plan or in lieu of a subdivision plan when review of a plan on a lot-by-lot basis would not be applicable.

5. A minor subdivision or minor land development plan, as described in §§304 and 307.2 herein, may be submitted in satisfaction of preliminary and final plan requirements for all applicable subdivision and land developments proposed within the Borough.

6. Landscape plans shall be submitted as part of the land development plan or land subdivision plan in accordance with the landscaping standards being Appendix B hereof of the Borough then prevailing.

(Ord. 895, 2/22/1993, Art. III, §301)

§22-303. Tentative Sketch Plan.

Sketch plans shall be drawn to reasonably accurate scale but not necessarily showing precise dimensions and shall show the following information:

A. Purposes. The purposes served by a tentative sketch plan are as follows:

(1) To inform the Borough of an applicant's intent to subdivide and/or develop a property and graphically show the concepts and extent of the proposal.

(2) For the Borough to provide advice and guidance to an applicant so that:

(a) Major issues can be resolved prior to preparation of preliminary plan.

(b) The preliminary plan approval process may then be able to proceed faster and more efficiently.

It is to the applicant's advantage to show as much of the requested information as possible. Although the Borough Planning Commission will discuss any plan presented, a lack of significant information may result in little useful guidance to the applicant.

B. Tentative Sketch Plan Information. Sketch plans should be drawn legibly and to a reasonably accurate scale, but they need not be a precisely surveyed or engineered plan and it should show the following information:

(1) The tract boundary and location by deed plotting.

(2) A north point and approximate scale.

(3) A location plan showing the relationship of the subject tract to the surrounding street network.

(4) The existing and proposed road and lot (or building) layout.

(5) Significant topographical and physical features, such as floodplains, wetlands, steep slopes (over 15%), woodlands and existing structures.

(6) Proposals for control of drainage runoff and community facilities.

(7) Approximate building envelopes.

(Ord. 895, 2/22/1993, Art. III, §302)

§22-304. Minor Subdivision Plan.

1. Purposes. It is the purpose of this Section to provide for simplified plan submission and processing requirements by which minor subdivisions may be submitted and approved. Plans submitted under the provisions of this Section must meet the following criteria, conform to the established standards and provide the required information.

2. Criteria for Minor Subdivisions. A subdivision of a tract of land that:

   A. Contains less than four lots.

   B. Has not been part of a subdivision submitted within the past three years.

   C. Presently fronts on a physically improved street that is legally open to the public.

   D. Will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements.

   E. Requires a variance(s) from the Borough Zoning Ordinance [Chapter 27] for no more than one of the proposed lots on which new construction will occur or may occur in the future.

   F. Is in general conformance with the Borough Comprehensive Plan and other plans.

3. Drafting Standards.

   A. A minor subdivision plan shall be clearly and legibly drawn to a scale not in excess of one inch equals 50 feet, except if the parcel being subdivided is five acres or larger, the plan may be drawn to a scale not in excess of one inch equals 100 feet.

   B. Dimensions shall be in feet and decimals and bearings in degrees, minutes and seconds.

   C. The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.

D. The sheet or sheets shall be one of the following sizes; 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan, e.g., sheet No. 1 of 5 sheets, etc.

E. Where there are two or more sheets a key map shall be provided sufficient to show their relationship.

4. Location and Identification. Each plan shall provide:

A. The name(s) and address(es) of the subdivider and the registered engineer and/or land surveyor who prepared the plan.

B. The name of the subdivision, its location in terms of significant bounding roads and the name of the Borough.

C. The date of preparation (or revision) of the plan, the scale and a north point.

D. The entire tract boundary with bearing and distances and a statement of the tract size.

E. Layout and dimensions of all lots and net lot area of each.

F. A key map relating the subdivision to at least three existing intersections of Borough streets.

G. A legend sufficient to indicate clearly between existing and proposed conditions.

H. The plan shall include a note setting forth the zoning requirements, including the applicable lot size and yard requirements. The plan also shall show the requirements of other Borough ordinances, if any, on both the land to be subdivided and the adjacent land.

5. Existing and Proposed Features.

A. Within 100 feet of any part of the land being subdivided, the plan shall show the following information:

(1) Property lines, existing buildings, present use and current owners.

(2) The location, names and width (both cartway and right-of-way) of existing streets and alleys.

(3) The location and size of all watercourses and the boundaries of floodplains (not limited to the established flood level and regulatory flood elevation, where applicable).

(4) Manmade structures and natural features, such as steep slopes (over 15%), which may affect the potential layout of lots and buildings.

(5) Areas subject to deed restrictions or easements.

B. Within the land to be subdivided, the plan shall show the following:

(1) Location and character of buildings located on the land, including the buildings to be demolished, as well as those to be retained and/or preserved.

(2) If applicable, the location, names, widths and other dimensions of existing streets and alleys, including paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing streets and alleys.

(3) The location and size of all watercourses and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).

(4) Manmade structures and natural features which limit the potential layout of lots and buildings, including the location of marshland, slopes over 15% and other topographical features. Whenever the parcel contains slopes in excess of 15%, topographical data may be required by the Borough Engineer.

(5) Areas subject to deed restrictions or easements.

(6) The plan shall reference any land to be dedicated or reserved for future road widening or other public or common use.

(7) Boundaries and identification of all soil types.

(8) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision.

6. Additional Requirements for Subdivisions Within Floodplains. Minor subdivision applications for land within floodplains must conform to the applicable requirements established for lands within such areas in §22-305.6 of this Part and Part 19 of Chapter 27, being the Borough of Ambler's Zoning Ordinance.

7. Plan Submission. Minor subdivision plans shall be submitted in accordance with the plan processing identified in §22-308 of this Part.

8. Plan Approval. Plan approval shall be obtained through the procedure specified in §22-308 of this Part. After Borough Council approves the minor subdivision plan, the plan shall become a final plan when the following certificates are obtained:

A. The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.

B. The signature of the registered professional engineer certifying the correctness of the design of all improvements.

C. The signature of the subdivider certifying his adoption of the plan and any changes thereto.

D. The signature of the Borough Administrator certifying that Borough Council has approved the minor subdivision plan and any change thereto on the date shown.

E. Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Following final approval, the plan must be recorded in accordance with §309 of this Part.

(Ord. 895, 2/22/1993, Art. III, §303; as amended by Ord. 926, 4/15/1997, §1)

§22-305. Preliminary Plan.

1. Purpose. A preliminary plan shall be submitted for all proposed subdivisions not eligible for submission as a minor subdivision and for all applicable land developments. Applicants submitting a preliminary plan shall conform to the following standards.

2. Drafting Standards.

A. The preliminary plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not in excess of one inch equals 50 feet, except if the parcel being subdivided or developed is five acres or larger, the plan may be drawn to a scale not in excess of one inch equals 100 feet.

B. Dimensions shall be in feet and decimals and bearings and degrees, minutes and seconds.

C. The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.

D. The sheet or sheets shall be one of the following sizes; 15 inches by 18 inches, 18 inches by 30 inches, 24 inches by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively

numbered to show its relations to the total number of sheets comprising the plan, e.g., sheet No 1 of 5 sheets, etc.

E. Where there are two or more sheets a key map shall be provided sufficient to show their relationship.

F. All plots and surveys are to be further prepared in accordance with the Professional Engineer Registration Law.

3. Location and Identification. Each plan shall provide:

A. A title consisting of the name(s) and address(es) of the subdivider and the registered professional engineer and/or land surveyor who prepared the plan.

B. The name of the subdivision or land development, its location in terms of significant bounding roads and the name of the Borough.

C. The date of preparation (or revision) of the plan, the scale and a north point.

D. The entire tract boundary with bearings and distances and a statement of the total size of the tract.

E. Layout and dimensions of all lots and net lot area of each.

F. A key map relating the subdivision to at least three existing intersections of Borough streets.

G. A legend sufficient to indicate clearly between existing and proposed conditions.

H. The plan shall include a note setting forth the zoning requirements, including the applicable lot size and yard requirements. The plan also shall show the requirements of other Borough ordinances, if any, on both the land to be subdivided and the adjacent land.

4. Existing and Proposed Features.

A. Within 400 feet of any part of the land being subdivided or developed, the plan shall show the following information:

(1) Property lines, existing buildings, present use and current owners.

(2) The location, names, width (both cartway and right-of-way) radii and surface conditions of existing and proposed alleys and streets.

(3) The location and size of all watercourses and the boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).

(4) The location of existing and proposed flood or erosion protective facilities.

(5) The location and size of existing and proposed sanitary sewers, manholes, storm sewers and inlets.

(6) The location and size of existing and proposed utilities above and below ground (e.g., electric facilities, fire hydrants, gas mains, water lines and other utilities).

(7) Manmade structures and natural features which may affect the potential layout of lots and buildings, including steep slopes (over 15%), marsh land and other topographical features.

(8) Areas subject to deed restrictions or easements.

B. Within the land to be subdivided or developed, the plan shall show the following:

(1) The location and character of existing and proposed buildings, including those existing buildings to be demolished as well as those to be retained.

(2) The location, names, widths and other dimensions of existing and proposed streets, including centerline courses, distances and curve data, paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing and proposed streets and alleys.

(3) For proposed streets, the plan shall show tentative grades to an existing street at a point 400 feet beyond the boundaries of the site.

(4) The plan shall show measured distances from the centerline of existing and proposed streets to existing and proposed buildings, to existing and proposed trees and plantings and to control points and monuments.

(5) The plan shall show all building setback lines with distances from the ultimate right-of-way line.

(6) The location and size of existing and proposed sanitary sewers, manholes, storm sewers and inlets.

(7) The location and size of all watercourse and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).

(8) Contour lines at vertical intervals of five feet, except for floodplains which shall be shown at intervals of two feet. Where reasonably practicable, data shall refer to known established elevation or to the U.S.G.S. datum.

(9) The location and size of utilities above or below the ground, e.g., electric facilities, fire hydrants, gas mains, water lines.

(10) Manmade structures or natural features which limit the potential layout of buildings and lots, including tree masses, marshlands, steep slopes (over 15%) and other topographical features.

(11) The location and site of any area to be used for open space/recreation purposes.

(12) Boundaries and identification of all soil types.

(13) Areas subject to deed restrictions or easements, including land to be dedicated or reserved for future road widening or other public or common use.

(14) The location of any lots or areas which shall contain a use or uses other than residential.

(15) When a preliminary plan covers only a part of the owner's entire holding, a tentative sketch shall be submitted of the prospective street and lot layout for the remaining area of the tract.

(16) The depth of the water table shall be noted on the plan or in a separate report, along with the location of test borings, where applicable.

C. Plans for any industrial use shall include the following:

(1) A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards or safety hazards.

(2) Engineering and architectural plans for the treatment and disposal of industrial waste.

(3) Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air or water pollution, fire or other safety hazard.

(4) Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke.

(5) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(6) Any other pertinent data or evidence that the Planning Commission may require.

(7) Architectural plans for the setback planting and screening as required under Appendix B hereto.

5. Proposed Improvements.

A. The plan shall contain a tentative cross section and centerline profile for each proposed or widened cartway shown on the preliminary plan, including the profile for proposed sanitary sewers and storm drains, showing manholes, inlets and catch basins.

B. The plan shall show preliminary design of any bridges, culverts or other structures and appurtenances which may be required.

6. Floodplains.

A. Within floodplains, all subdivisions and land development plans shall be drawn to assure that:

(1) Proposals are consistent with the need to minimize flood damage.

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

B. Where the subdivision or land development lies partially or completely in a floodplain or where the subdivision or land development borders on a floodplain, the plan shall include detailed information giving the location and elevation of existing and proposed streets, water supply and sanitary facilities, building sites, structures, soil types and proposed floodproofing measures. Such plan shall also show contour lines as described in Subsection 3 of this Section and identify accurately the boundaries of the floodplain and the base flood elevation. When floodproofing measures are proposed for a structure within a floodplain, a registered professional engineer or architect shall certify that the floodproofing measures are adequate to meet the requirements of this Chapter and other Borough ordinances.

C. The developer shall provide proof that adequate precautions against flood damage have been taken with respect to the design of any buildings or structures located wholly or partially within a floodplain area.

D. A copy of all plans for new construction in floodplain areas shall be submitted by the Borough to the Montgomery County Conservation District for re-

view and comment prior to the issuance of a building permit. The recommendations of the conservation district shall be considered by the Borough Council for possible incorporation into the proposed plan.

7. A copy of the landscaping plan submitted pursuant to Subsection 1 hereof.

8. Certificates. Upon approval, the preliminary plan must show:

   A. The signature of the subdivider certifying his adoption of the plan and any changes thereto.

   B. The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.

   C. The signature of the registered professional engineer certifying the correctness of the design of all improvements.

   D. The signature of the Borough Administrator certifying that the Borough Council has approved the plan and any changes thereto on the date shown.

(Ord. 895, 2/22/1993, Art. III, §304)

§22-306. Final Plan.

Applicants submitting a final plan shall conform to the following standards:

A. Record Plan.

   (1) Drafting Standards. The same standards shall be required for a record plan, as for a preliminary plan and in addition, for recording purposes, the plans shall be placed on sheet sizes of 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches. All lettering and lines should be drawn so as to still be legible should the plan be reduced to 1/2 size.

   (2) Information to be Shown. The plan which shall include all portions of an approved preliminary plan shall show:

      (a) A title, as required for a preliminary plan.

      (b) Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than one part in 10,000.

      (c) The names of abutting owners, names, locations, widths and other dimensions of all roads, including centerline courses, dis-

tances and curve data, descriptive data of ultimate right-of-way line so that a single deed may be drawn to the appropriate authority for the dedication of roads by the subdivider, developer or builder. Further, all proposed easements shall be clearly identified and shall include a statement of intention to dedicate to the Borough or other appropriate entity or person.

(d) Evidence should be provided that the plans are in conformance with the Borough Zoning Ordinance [Chapter 27] and other applicable Borough ordinances and regulations.

In any instance where such plans do not conform, evidence shall be presented which identifies the special exceptions or variances that have been officially authorized.

(e) When the proposed subdivision or land development affects only a portion of a tract, the applicant must demonstrate that any future subdivision or development will conform to existing zoning regulations and that such activity will be carried out in a logical and satisfactory manner.

(f) The location, material and size of all monuments.

(g) Building setback lines with distances from the ultimate right-of-way line.

(h) Restrictions in the deed affecting the subdivision or development of the property.

(i) The location of all floodplains and steep slopes (over 15%).

(3) Certificates. When approved, the record plan must show:

(a) The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.

(b) The signature of the registered professional engineer certifying the correctness of the design of all improvements.

(c) The signature of the subdivider, developer or builder certifying his adoption of the plan.

(d) The signature of the Borough Administrator certifying that the Borough Council approved the plan on the date shown.

B. Improvement Construction Plan (Where Applicable).

(1) Drafting Standards. The same standards shall be required for an improvement construction plan as for a preliminary plan, except that the horizontal scale of the plan and profile shall not be in excess of 50 feet to the inch and the vertical scale of the plan shall be two, five or 10 feet to the inch, whichever is most appropriate.

(2) Information to be Shown. The plan shall contain sufficient information to provide working plans for the construction of the proposed roads, or any portion thereof, including all appurtenances, sewers and utilities as shown on the approved preliminary plan from one existing or approved road to another, or in the case of a cul-de-sac, to its turnaround. Said information shall include:

(a) Horizontal Plan. The horizontal plan shall show details of the horizontal layout as follows:

1) Information shown on the approved preliminary plan.

2) The beginning and end of proposed immediate construction.

3) Stations corresponding to those shown on the profile.

4) The curb elevation at tangent points or horizontal curves at road or alley intersections and at the projected intersections of the curb lines.

5) The location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric and other utility pipes or conduits and of storm drains, inlets and manholes.

6) The location, type and size of curbs and all paving widths.

7) The location and species of all shade trees and the location and type of fire hydrants and street lights.

(b) Profiles. The profile shall be a vertical section of the road with details of vertical alignment as follows:

1) Profiles and elevations of the ground along the centerlines of proposed roads.

2) Profiles of sanitary sewers with a profile over the sewer of the present and finished ground surface showing manhole locations beginning at the lowest manhole.

3) Profiles of storm drains showing manhole and inlet locations.

(c) Cross Section. The cross section shall comply with the engineering standards and requirements being Appendix A hereof as minimum requirements.[1] It shall show a typical cross section across the road with details of grading and construction as follows:

1) The road and the location and width of paving within the road.

2) Type, depth and crown of paving.

3) The type and size of curb.

4) When sidewalks are required, grading of the sidewalk area should be carried to the full width of the road and slopes of cut or fill extended beyond the road.

5) The location, width, type and depth of sidewalks, when required.

6) The typical location, size and depths of sewers and utilities.

(Ord. 895, 2/22/1993, Art. III, §305)

§22-307. Land Development Plans.

1. Applicants submitting a land development plan shall be required to show the following information, in addition to the information required for a minor residential land development plan, as identified in Subsection 2 or a regular land development plan, as identified in Subsection 3:

A. The zoning classifications and applicable requirements with which compliance is necessary for granting final approval.

B. Structural features for the use of two or more prospective occupants.

C. The lot size, floor area and/or gross leasable area as applicable.

D. The density of the development, including the number of bedrooms per dwelling unit.

[1] **Editor's Note: Appendix A is included at the end of this Chapter.**

E. The total building coverage and the area of the total tract devoted to each use or group of uses, if applicable.

F. The location and placement of accessory structures and facilities.

G. All roads, parking facilities and pedestrian ways (including the total number of parking spaces).

H. The areas of common open space or facilities.

I. A conceptual site utilization layout defining the general location of all proposed uses and activities.

J. Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon.

K. All covenants, deed restrictions or easements relating to use of property.

L. The location and description of all requirements of the Borough's landscaping criterion as then in force.

2. Minor Land Development Plan. It is the purpose of this subsection to provide for simplified plan submission and processing requirements by which minor land developments may be submitted and approved. Plans submitted under the provisions of this subsection must meet the following criteria, conform to the established standards and provide the required information:

A. Criteria for Minor Residential Land Developments. A residential land development that:

(1) Contains only one residential building with less than five dwelling units.

(2) Has not been part of a land development submitted within the past three years.

(3) Presently fronts on a physically improved street that is legally open to the public.

(4) Will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements.

(5) Is in general conformance with the Borough Comprehensive Plan and other plans.

B. Criteria for Minor Nonresidential Land Developments. A nonresidential land development in which:

(1) The intended development or modification of a site, or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of this Chapter.

(2) The project involves only a parking lot expansion of not more than 25% of the original parking area.

(3) There is a building addition of not more than 25% of the square footage of the existing building, up to a maximum addition size of 5,000 square feet.

(4) There is an addition of tenants to an existing building but only minimal structural improvements are required.

C. Drafting Standards.

(1) A minor land development plan shall be clearly and legibly drawn to a scale not in excess of one inch equals 50 feet, except if the parcel being developed is five acres or larger, the plan may be drawn to a scale not in excess of one inch equals 100 feet.

(2) Dimensions shall be in feet and decimals and bearings in degrees, minutes and seconds.

(3) The plan shall show the courses and distances of the boundary line survey of the entire land to be developed.

(4) The sheet or sheets shall be one of the following sizes, 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan, e.g., sheet No. one of five sheets.

(5) Where there are two or more sheets a key map shall be provided sufficient to show their relationship.

D. Location and Identification.

(1) The name(s) and address(es) of the subdivider and the registered professional engineer and/or land surveyor who prepared the plan.

(2) The name of the development, its location in terms of significant bounding roads and the name of the municipality.

(3) The date of preparation (or revision) of the plan, the scale and a north point.

(4) The entire tract boundary with bearings and distances and a statement of the tract size.

(5) Layout of all structures and facilities on the parcel and the net lot area of the parcel.

(6) A key map relating the development to at least three existing intersections of Borough streets.

(7) A legend sufficient to indicate clearly between existing and proposed conditions.

E. Existing and Proposed Features.

(1) Within 100 feet of any part of the land being developed, the plan shall show the following information:

(a) Property lines, existing buildings, present use and current owners.

(b) The location, names and width (both cartway and right-of-way) of existing and proposed streets and alleys.

(c) The location and size of all watercourses and the boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).

(d) Manmade structures and natural features, such as steep slopes (over 15%), which may affect the potential layout of the proposed building.

(e) Areas subject to deed restrictions or easements.

(2) Within the parcel to be developed, the plan shall show the following:

(a) Location and character of buildings located on the land, including the buildings to be demolished as well as those to be retained or preserved.

(b) If applicable, the location, names, widths and other dimensions of existing streets and alleys, including paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing streets and alleys.

(c) The location and size of all watercourse and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).

(d) Manmade structures and natural features which limit the potential layout of the proposed building, including the location of marshland, slopes over 15% and other topographical features. Whenever the parcel contains slopes in excess of 15%, topographical data may be required by the Borough Engineer.

(e) Areas subject to deed restrictions or easements.

(f) The plan shall reference any land to be dedicated or reserved for future road widening or other public or common use.

(g) Boundaries and identification of all soil types.

(h) Location and size of onsite sewage facilities, if applicable, and documentation of approval of proposed facilities by the appropriate Borough Officer.

(i) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision or development.

F. Additional Requirements for Developments Within Floodplains. Minor land development applications for land with floodplains must conform to the applicable requirements established for lands within such areas in §§22-305(6) and 22-404 of this Chapter.

G. Plan Submission. Minor land development plans shall be submitted in accordance with the plan processing procedures identified in §22-307 of this Part.

H. Plan Approval. Plan approval shall be obtained through the procedure identified in §22-308 of this Part. After Borough Council approves the minor land development plan, the plan shall become a final plan when the following certificates are obtained:

(1) The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.

(2) The signature of the registered professional engineer certifying the correctness of the design of all improvements.

(3) The signature of the developer certifying his adoption of the plan and any changes thereto.

(4) The signature of the Borough Administrator certifying that Borough Council has approved the minor land development plan and any changes thereto on the date shown.

(5) Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Following final approval, the plan must be recorded in accordance with §309 of this Part.

3. Regular Land Development Plan. All land development plans which do not qualify for submission as a minor land development as described in Subsection 2A of this Section must include the applicable information required in §§22-305 and 22-306 of this Part in addition to the information required in this Section.

(Ord. 895, 2/22/1993, Art, III, §306; as amended by Ord. 985, 6/21/2004, §§1-5)

§22-308. Plan Processing Procedures.

The following plan processing procedures shall be followed by all applicants for approval of a subdivision or land development plan:

A. All plans filed for approval shall be submitted in the following order:

(1) Tentative sketch plan (optional).

(2) Minor subdivision plan or minor land development plan (may be submitted in satisfaction of preliminary and final plan requirements for all applicable subdivision or land developments).

(3) Preliminary plan.

(4) Final plan.

B. An applicant shall submit not less than eight copies of each plan to the Borough Administrator. In addition, up to four additional copies of each plan shall be submitted to the Borough Administrator if Borough Council, Borough Solicitor or the Borough Planning Commission determine that the plan(s) should be distributed to any of the optional plan recipients listed in Subsection I(4) herein.

C. Each plan, whether tentative, minor subdivision or minor land development, preliminary or final, shall be filed one at a time, no subsequent plans shall be filed until a decision on the preceding plan has been reached.

D. When the decision reached concerning an application for approval of a specific plan results in a denial of the plan, then the applicant, when and if he should reapply requesting approval of the plan, shall do so in accordance with the plan sequence outlined in Subsection A herein and the additional procedures below.

E. Applications for approval of a subdivision or land development plan shall be received by the Borough Administrator. Submittal and processing fees for plans and specifications for such plans shall accompany the applications.

F. The applicant, or his agent, shall be required to appear in person at the Borough Hall in order to make application for approval of a plan and file plans therewith.

G. Formal application shall be received at any time during Borough business hours. All applications for approval of a plan shall be acted upon by the Borough Council and such decisions shall be communicated to the applicant, in writing, not later than the prescribed time period according to the Pennsylvania Municipalities Planning Code.

H. The applicant must submit a tentative, minor subdivision, minor residential land development, preliminary or final plan for review, prior to applying to the Zoning Hearing Board for the granting of variances, special exceptions and conditional uses. If during the review process, it is determined that a variance, special exception or a conditional use is necessary than the applicant shall apply to the Zoning Hearing Board for such.

I. Schedule of Plan Processing Steps.

(1) Applications for subdivision or land development, accompanied by not less than eight copies of the proposed plan, shall be received at the Borough Hall by the Borough Administrator.

(2) The date shall be stamped on each copy of the plan and two fees shall be received:

(a) The Borough filing fee.

(b) The Montgomery County Planning Commission Act 247 review fee.

(3) A cursory examination of the plan will be conducted to ensure basic compliance with the plan submission requirements of this Part.

(4) The Borough Administrator shall distribute copies of the plan to the following persons, agencies or groups:

(a) Mandatory Recipients.

1) Borough Council.

2) Borough Administrator.

3) Borough Planning Commission.

4) Montgomery County Planning Commission.

5) Borough Zoning Officer.

6) Borough Solicitor.

7) Borough Engineer.

8) Borough Fire Marshall.

(b) Additional Recipients.

1) Borough Building Inspector.

2) Community Ambulance Association.

3) Borough Recreation Board.

4) Chamber of Commerce.

5) Sewer and water authorities.

6) The Environmental Protection Agency.

7) Other technical consultants as needed.

(5) Application for approval of a subdivision or land development plan shall be placed on the agenda of the next Borough Planning Commission meeting following formal submission of the applicant.

(6) Application for approval of a subdivision or land development plan shall be placed on the agenda of the next Borough Council meeting following receipt by the Borough Administrator of the recommendation

of the Montgomery County Planning Commission[2], Borough Planning Commission and Borough Engineer.

(7) The Borough Council shall require the applicant to submit copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law.

(8) The Borough Council shall act on the plan within 90 days after the date of the next regular meeting of the Borough Planning Commission following the date the application is submitted. If, however, the next regular meeting of the Borough Planning Commission occurs more than 30 days following the filing of the application, the said 90 day period shall be measured from the thirtieth day following the day the application has been filed. The following optional consequences shall result from action by the Council:

(a) If the Council approves the plan, the Borough Administrator will so certify thereon and two copies of the approved plan will be forwarded to the applicant. The applicant would than resubmit four copies of the approved plan (two paper copies and two mylar or linen copies for seal and signature).

(b) The Council may conditionally approve a plan, in which case the applicant shall appear at a subsequent Council meeting to demonstrate compliance or written acceptance of the conditions stipulated.

(c) If the Council disapproves the plan, the Borough Administrator will notify the applicant, in writing, of the defects in the application, will describe the requirements which have not been met and shall cite the provisions of State law or Borough ordinance relied upon.

(d) The Borough may refuse to grant any approval necessary to further improve or develop any property which has been developed or which has resulted from a subdivision of property in violation of any ordinance adopted pursuant to this Part. This authority

[2] Editor's Note: According to Montgomery County Planning Commission policy, recommendations of MCPC shall be submitted to the Borough Council no later than 30 days from the date specified on the application form requesting MCPC review. If the specified date is more than five days prior to MCPC's receipt of the review request, the 30 day review period shall commence five days prior to such receipt. If no date is specified on the review request, the 30 day review period shall commence two days prior to receipt. If an applicant grants a time extension to the Borough, the MCPC review period will be extended the appropriate number of days. The MCPC review period may be suspended if the proposal is temporarily withdrawn, if the review fee is not received or for any other valid reason, in such case, the 30 days review period shall not resume until the situation is resolved. In no instance shall the review period so resumed span a period of less than 15 days

to deny such approval shall apply to any of the following applicants:

1) The owner of record at the time of such violation.

2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual constructive knowledge of the violation.

4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for granting approval to any such owner, current owner, vendee or lessee for the development of any such property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such property.

(9) Approval will be effective for a period of five years, unless extended by Council. Where final approval is preceded by preliminary approval, the five year period shall be counted from the date of preliminary approval. No subsequent change or amendment in the Zoning [Chapter 27], subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.

(10) When deemed desirable, the applicant may be requested to agree, in writing, to an extension of the time prescribed herein, in which case the Council, when rendering its decision, shall communicate it to the applicant prior to the termination of the extended time period.

(11) If the Borough Council determines that only a portion of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination, if at all.

(12) When a developer does not intend to develop the plan himself and the Borough Council determines that additional controls are required to ensure safe development, it may require the developer to impose ap-

propriate deed restriction on the land. Such deed restriction shall be inserted in every deed and noted on the record plan.

(13) The approval of a subdivision or land development plan near or within the floodplain shall constitute a representation, guarantee or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the proposed plan and shall create no liability upon Ambler, its officials or employees. The degree of floodproofing intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Chapter does not imply that areas outside floodplains or subdivisions or land developments permitted within such areas will always be totally free from flooding or flood damage.

(Ord. 895, 2/22/1993, Art. III, §307; as amended by Ord. 985, 6/21/2004, §6)

§22-309. (Reserved)

(Ord. 895, 2/22/1993, Art. III, §308; repealed by Ord. 991, 8/15/2005)

§22-310. Traffic Impact Study.

1. Purpose. The Traffic Impact Study will enable Ambler Borough to assess the impact of the proposed development on the transportation system, both highways and public transportation, in the Borough. The purpose of the impact study is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access between the site and the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study shall assist in the protection of air quality, conservation of energy and encouragement of public transportation use.

2. A traffic impact study shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. Procedures and standards for a traffic impact study area as set forth herein. Applicant may provide funds to the Borough to enable the Borough to hire a traffic engineer of its choice to conduct the study, if this procedure is deemed appropriate and approved by the Borough.

3. Applicability. A traffic impact study shall be submitted for all zoning changes, subdivisions and land developments that meet one or more of the following criteria:

   A. Residential. Five or more dwelling units or lots.

B. Nonresidential Subdivision. Five lots or more.

C. Commercial. A commercial building or buildings consisting of 15,000 square feet or more of gross floor space (total floor area on all floors within the exterior walls of the building).

D. Office. A development consisting of 15,000 square feet or more of gross floor space.

E. Industrial. Any industrial development consisting of five or more lots, or 15,000 square feet or more of gross floor area, or having more than 35 employees (immediately or future) with access from the site onto a Borough street, or with an expected daily traffic flow of more than 100 vehicle trips per day with site access onto a Borough street.

F. Institutional. Any medical, educational or institutional development consisting of 15,000 square feet or more of gross floor area.

G. Other. Any uses that propose to generate 250 or more trips per day.

* The number of trips shall be determined through the use of the Institute of Transportation Engineers (ITE), "Trip Generation," latest edition.

Borough Council, at its discretion, may require any other subdivision or land development application to be accompanied by a traffic impact study; provided, however, that Council notify the applicant within 60 days following the Planning Commission's first meeting to consider the proposal. Such a notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems or type of use. The Ambler Borough Council, at its discretion, may waive the requirement for a traffic impact study. If required by the Borough Council, the developer of a land development shall provide emergency signal preemption for any traffic signals located within or immediately adjacent to the development.

4. Definitions.

LEVEL OF SERVICE — level of service, as described in the 2000 Highway Capacity Manual, indicates how well traffic moves on a particular highway facility or through a specific intersection. There are six levels of servicing ranging from A through "F." Level of service A indicates generally free movement. Level of service "F" represents maximum capacity of the facility. Level "F" indicates congestion. Level of service C is considered the design level of service, representing a stable traffic flow and a relatively satisfactory travel speed.

MAJOR INTERSECTION — any intersection where traffic generated by the proposal will have significant impact on the operation of the intersection and/or any other intersection involving an arterial road. Where doubt exists, the transporta-

tion engineer shall seek guidance from Council prior to the submission of the traffic impact study.

PUBLIC TRANSPORTATION — transportation service for the general public provided by a common carrier of passengers generally on a regular route basis, or a private operator offering service to the public.

STUDY AREA — this area will extend approximately 1/2 mile along the adjacent roadways in all directions from all access points or the first major intersection along these roadways. Where doubt exists, the traffic engineer shall seek guidance from the Borough Council prior to the submission of the traffic impact study.

VOLUME/CAPACITY ANALYSIS — this procedure compares the volume of a roadway or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period). The procedures described in the 2000 Highway Capacity Manual, Highway Research Board Special Report 209, shall be followed.

TRIP GENERATION RATES — the total count of trips to and from a study site per unit of land use as measured by parameters such as dwelling units, acres, etc.

WARRANTS FOR TRAFFIC SIGNAL INSTALLATION — this is a series of warrants which detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration, 1988, as amended, or the most recent version, whichever is later.

Engineering and traffic studies shall be prepared in accordance with Title 67, Chapter 201, "Engineering and Traffic Studies."

5. General Requirements and Standards. A traffic impact study shall contain the following information:

   A. General Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed subdivision or land development. If the development is residential, types of dwelling units shall also be included. A brief description of other major existing and proposed developments within the study area shall be provided. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).

   B. Transportation Facilities Description. The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic chan-

nelization and any traffic signals or other intersection control devices at all intersections within the site. The report shall describe the entire external roadway system within the study area and include discussion of existing design deficiencies and potential safety hazards. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one mile radius of the site shall also be documented. Report shall include review and discussion of all available accident reports within the study area during the prior three years. All future highway improvements, including proposed construction and traffic signalization shall be noted. The four Year Regional Transportation Improvement Program maintained by the Delaware Valley Regional Planning Commission shall be used as a source of information when determining if any future roadway improvements are scheduled for the adjacent road network. Any proposed roadway improvements due to proposed surrounding developments shall be recorded.

C. Existing Traffic Conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic and peak development generated hour(s) and documentation shall be included in the report. Traffic count data shall not be more than one year old. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of a non-holiday week. Traffic counts shall be collected during average volume conditions, during fair weather and in consideration of any construction activities or special events which may be taking place in the area. Additional counts (conducted on a Saturday for a commercial development or residential development in close proximity to the commercial district or tourist attractions) may also be required in some cases. The Borough Council shall make such determinations. Roadway characteristics shall be described and illustrated. Features to be addressed shall include lane configurations, geometry, signal timing, traffic control devices, posted speed limits and sight distance limitations. Existing levels of service shall be calculated for all intersections and turning movements within the study area. This analysis will determine the adequacy of the existing roadway system to adequately serve the existing traffic demand. Roadways, signalized intersections or individual movements experiencing levels of service below C, and/or volume capacity ratios greater than or equal to 1.0 shall be noted as deficient. Unsignalized intersections with levels of service below D shall also be noted. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location using the current edition of the Highway Capacity Manual Methodology.

D. Transportation Impact of the Development. Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the

Trip Generation. An Information Report, Sixth Edition, Institute of Transportation Engineers, 1977, as amended. These development generated traffic volumes shall be provided for the in-bound and outbound traffic movements as estimated, and the reference source(s) methodology followed shall be documented. All turning movements shall be calculated. These general volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristic of the site that will cause particular trip generation problems shall be noted.

E. Analysis of Transportation Impact. The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using a background growth rate for the area from the Montgomery County Planning Commission's traffic count database or from the Delaware Valley Regional Planning Commission's "Highway Network Coverage Counts"), the development generated traffic and the traffic generated by other proposed developments in the study area. A second/volume capacity analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development generated hour(s) for all roadways and major intersections in the study area. Level of service calculations shall be competed for all major intersections. It is usually at these locations that capacity is most restricted. All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

F. Conclusions and Recommended Improvements. Levels of service for all roadways and intersections shall be listed. All individual turning movement of roadways and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements:

(1) Internal circulation design.

(2) Site access location and design.

(3) External roadway and intersection design/safety improvements.

(4) Traffic signal installation and operation, including signal timing and transit design improvements. All physical roadway improvements shall be shown in sketches.

Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included. An analysis shall be undertaken to indicate whether or not future public transportation service should be provided to the development.

The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement and the completion date for the improvement.

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include recommendations such as roadway widening, turning lanes, deceleration lanes/tapers, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of the use. The responsibility and timing of all recommended roadway improvements shall be described within the traffic impact study.

6. Time of Submission. The traffic impact study shall be submitted to the Planning Commission with the preliminary plan submission. Revisions to preliminary plans may constitute the need for re-submission of the traffic impact study for the revised conditions. Improvement plans shall not be submitted to PennDOT until after review by the Borough Planning Commission and Borough Council.

7. Implementation. Borough Council shall review the traffic impact study to analyze its adequacy in solving any traffic problems that will occur due to the land development or subdivision. Borough Council may determine that certain improvements on and/or adjacent to the site and within the study area are necessary requirements for land development or subdivision plan approval and may attach these as conditions to the approval. If Borough Council determines that such additional improvements are necessary, the developer shall have the opportunity to submit alternative improvement designs to obtain plan approval.

8. Emergency Response Organizations. The Borough shall submit all land development plans proposing the construction of nonresidential buildings or multifamily residential dwellings to the fire department, police department and any other emergency response organization having jurisdiction within the area of the proposed development for review and comment.

(Ord. 895, 2/2/1993; as added by Ord. 965, 9/16/2002)

§22-311. Water Supply.

Every ordinance adopted pursuant to this Chapter shall include a provision that, if water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council or Planning Commission, as the case may be, that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

(Ord. 895, 2/2/1993; as added by Ord. 995, 12/19/2005)

§22-312. Recording of Plats and Deeds.

1. Upon the approval of a final plat, the developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the Borough Council, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Recorder of Deeds of Montgomery County. The Recorder of Deeds of Montgomery County shall not accept any plat for recording, unless such plat officially notes the approval of the Borough Council and review by the County Planning Commission.

2. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

(Ord. 895, 2/2/1993; as added by Ord. 995, 12/19/2005)

§22-313. Lighting Plans Required With All Submissions.

1. For subdivision and land development applications where site lighting is required by this Chapter, is otherwise required by the Borough or is proposed by the applicant, lighting plans shall be submitted to the Borough for review and approval with preliminary and final subdivision/land development plan applications and shall contain the following:

    A. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting (e.g., architectural, build

ing-entrance, landscape, flag, sign, etc.) and shall be drawn to a scale no smaller than one inch equals 50 feet.

B. A 10' x 10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Chapter or as otherwise required by the Borough. When the scale of the plan, as judged by the Borough, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.

C. A chart depicting the maintenance (light-loss) factors, IES candela file nomenclature, lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the presented illuminance levels.

D. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

E. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

F. Security Lighting. Where applicable, security fixtures shall be designated on the lighting plan. Security fixtures shall be designated as no greater than 25% of fixtures on site.

G. When requested by the Borough, the applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the intended character of the Borough. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, (e.g., bedroom windows of adjacent residential uses).

H. Plan Notes. The following notes shall appear on the lighting plan:

(1) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.

(2) The Borough reserves the right to conduct post-installation inspections to verify compliance with the ordinance requirements and approved lighting plan commitments and, if deemed appropriate by the Borough, to require remedial action at no expense to the Borough.

(3) All exterior lighting shall meet IESNA full-cutoff criteria unless otherwise approved by the Borough.

(4) The installer shall notify the Borough to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

2. Streetlight Dedication.

A. When streetlighting is to be dedicated to the Borough, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.

B. Prior to dedication and in the event of the formation of a homeowners' association and/or property management declaration, the Borough shall require said agency to enter into an agreement guaranteeing the Borough payment of all costs associated with dedicated streetlighting.

C. Assumption of Costs of Dedicated Streetlighting. Upon dedication of public streets, the Borough may assess the homeowners' association, individual property owners, or corporations, as may be necessary, to collect all revenues required that are directly or indirectly associated with all costs of each specific streetlighting fixture. These costs shall include:

(1) Administration.

(2) Collection.

(3) Pro-ration of nonpayables.

(4) Actual utility electrical charges.

(5) Maintenance and maintenance contracts for maintenance of fixtures and associated equipment.

(Ord. 1023, 9/16/2008)

PART 4

IMPROVEMENT, CONSTRUCTION AND FINANCIAL SECURITY

§22-401. Required Improvements.

1. The applicant shall construct all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas and erosion and sediment control measures in conformance with the final plan as approved, the applicable provisions of the Pennsylvania Department of Transportation Specifications, Form 408, dated 1976, or the latest revision or other applicable regulations.

2. No plat shall be finally approved for recording and nor building permits shall be issued until the developer has completed all required improvements or has provided a performance guarantee in accordance with §22-402 hereof The request shall state, in full, the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of this Chapter that are involved and the minimum modification necessary. While retaining jurisdiction over the matter, Council may refer the request for modification to the Borough Planning Commission for its advisory comments.

(Ord. 895, 2/2/1993, Art. IV, §400)

§22-402. Financial Security.

When requested by the developer, in order to facilitate financing, the Borough Council or the planning agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days, unless a written extension is granted by the Borough Council, such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

A. Amount. The amount of financial security to be posed for the completion of the required improvements shall be equal to 110% of the cost of completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to

post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.

B. Determination of Improvement Costs. The amount of financial security shall be based upon the estimate submitted by the developer which has been prepared by a professional engineer and certified by that engineer to be a fair and reasonable estimate of the costs. If the Borough's Engineer recommends against acceptance of the proposed, the Borough may refuse to accept the estimate based upon good cause which will be demonstrated to the developer. In the event the developer and the Borough cannot agree upon an estimate, then a third professional engineer chosen mutually by the Borough and the developer shall make the estimate. The costs of the third engineer shall be borne equally by the Borough and the developer.

C. Time Limit. Such financial security shall provide for, and secured to the public, the completion of all subdivision improvements for which such security is being posted within the time fixed in the subdivision plan or subdivision agreement for completion of such improvements or in the resolution approving the same.

D. Development in Stages. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

E. Water and Sewer Facilities. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from Ambler Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section. Proof of availability of whatever source shall be a condition precedent to approval.

(Ord. 895, 2/22/1993, Art. IV, §401)

§22-403. Release from Liability.

1. Partial Release. As the work of installing the required improvements proceed, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such request

shall be in writing addressed to Borough Council and subject to the provisions for release as established in §509(j) of Act 247, the Pennsylvania Municipalities Code.

2. Release in Full. The portion of the financial security unencumbered by the post-completion security of Subsection 4 shall be released only upon complete installation of the required improvements in accordance with the approved improvement construction plan. Strict compliance with procedures established by §510 of Act 247, the Pennsylvania Municipalities Planning Code shall be followed with respect to the release of financial security posted by the subdivider, owner, developer or builder. If the Borough Council fails to comply with the time limitations of §510 of Act 247, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the financial security.

3. Incomplete Improvements. If the required improvements are not completely installed within the period fixed or extended by the Council, the Council shall declare the financial security in default and authorize the Borough Administrator to collect the amount payable thereunder. Upon receipt of such amount, the Borough shall install such improvements as were covered by the security and are commensurate with the extent of building development which has taken place in the subdivision or land development, not exceeding in cost, however, the amount collected upon the security.

4. Post-Completion Security. The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and accepted by the Borough and 10% of the performance guarantee shall be held back until a maintenance guarantee as provided for in §22-503 has been posted.

(Ord. 895, 2/22/1993, Art. IV, §402)

§22-404. Inspection of Work and Materials.

1. Notice. The Borough Engineer shall be notified 48 hours in advance of the commencement of any construction or installation operation, in order that provision may be made for inspection by the Borough. Construction and installation operations shall also be subject to inspection by Borough officials during the progress of the work and the subdivider, developer or builder shall pay for all inspections.

2. Determination of Inspection Fees. The Borough inspection fees are established by ordinance and annual resolutions. Copies shall be given to applicants at the time a form for application is requested by the developer and at any other time upon request. If, at the time of billing, a developer disputes a charge made as unreasonable or unnecessary and within 20 days of the date of the billing an agreement between the Borough and the developer cannot be reached, a third engineer shall be selected by agreement of the Borough and developer. If the two cannot decide on a third engineer within 20 days of the billing date, either party may request the President Judge of the Court of Common Pleas of Montgomery County to ap-

point a third engineer who will be someone who has not worked for either party for at least five years. The third engineer shall render his decision within 50 days of the billing date and the development pay the amount determined immediately. The fee for the third engineer will be paid:

A. By the developer if the original bill is found reasonable.

B. By the Borough if the fair fee is determined to be $1,000 or more – less than the original bill.

C. One-half by each party if the determination is that bill was excessive, but by not more than $1,000.

3. Samples of Materials. Samples of the materials shall be furnished to the Borough Engineer in the same manner as if required of contractors under the highway and sanitary drainage specifications.

4. Delivery Slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curbs, sidewalks or any other facility within a Borough right-of-way or easement shall be supplied to the Borough.

(Ord. 895, 2/22/1993, Art. IV, §403)

§22-405. Offsite Improvements.

Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed including, but not limited to, road improvements, may be required to be constructed where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. The Solicitor shall render final judgment in any instances where a dispute arises as to the direct causal relationship for the improvement(s). The subdivider or developer may be required to cover costs which must be incurred by the Borough or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the offsite improvements shall be the same as those prescribed in §22-402.

(Ord. 895, 2/22/1993, Art. IV, §404)

PART 5

FEES, CONDITIONS OF ACCEPTANCE AND PENALTIES

§22-501. Fees and Costs.

The subdivider, builder or developer shall be required to furnish a bond and to pay the following fees and costs:

A. Preliminary Plan. The Borough filing fee and the Montgomery County Planning Commission Act 247 review fee.

B. Final Plan. No fee will be charged for filing an improvement construction plan or a record plan, unless no preliminary plan has been filed, in which case the fees established for preliminary plan will be charged. The subdivider, developer or builder will be required to furnish a bond, in an amount and with such surety as shall be approved by Borough Council to guarantee payment of:

(1) Engineering Services. The services of the Borough Engineer as provided in these rules and regulations, including plan review and inspection. In addition, all costs for other engineering and professional certification as deemed necessary. Subject to the provisions of §22-_____ of this Chapter.

(2) Material and Facilities Tests. The actual cost of all drainage, water and/or material tests.

(3) Dedication. Legal fees, advertising and other costs involved in the dedication of streets and public improvements to the Borough.

(Ord. 895, 2/22/1993, Art. V, §500)

§22-502. Conditions of Acceptance.

1. Conditions. The Borough shall have no obligation to take over and make public any street or other improvement unless:

A. The requirement improvements, utility mains and laterals and monuments shown on an approved plan or plans have been constructed to all requirements.

B. It is established to the satisfaction of Borough Council that there is a need for the improvements to be taken over and made public.

2. Acceptance. The Borough shall have no responsibilities with respect to any street or other improvement, not withstanding the use of the same by the public, unless the street or other improvement is accepted by an ordinance adopted by Borough Council.

(Ord. 895, 2/22/1993, Art. V, §501)

§22-503. Maintenance Guarantee.

Where the Borough Council accepts dedication of all or some of required improvements following completion (whether such dedication is of the fee or of an assessment) the Council shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as is authorized for the deposit of the performance guarantee, as described in §22-502 hereof, shall be for a term of 18 months from the date of the acceptance of dedication and shall be in an amount equal to 15% of the actual cost of installation of the improvements so dedicated.

(Ord. 895, 2/22/1993, Art. V, §502)

§22-504. Preventive Remedies.

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

   A. The owner of record at the time of such violation.

   B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

   C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

§22-505. Jurisdiction.

District justices shall have initial jurisdiction in proceedings brought under §22-506.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

§22-506. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this Chapter or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Borough 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, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the 5th 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.

2. The Court of Common Pleas of Montgomery County, upon petition, may grant an order of stay, upon good cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for the enforcement pursuant to this Section.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

PART 6

ORDINANCES AND AMENDMENTS

§22-601. Enactment of Subdivision and Land Development Ordinance.

1. Before voting on the enactment of a proposed subdivision and land development ordinance, the Borough Council shall hold a public hearing thereon pursuant to public notice. A brief summary setting forth the principal provisions of the proposed ordinance and a reference to the place within the Borough where copies of the proposed ordinance may be secured or examined shall be incorporated in the public notice. Unless the proposed subdivision and land development ordinance shall have been prepared by the Planning Commission, the Borough Council shall submit the ordinance to the Planning Commission at least 45 days prior to the hearing on such ordinance to provide the Planning Commission an opportunity to submit recommendations.

2. Within 30 days after adoption, the Borough Council shall forward a certified copy of the subdivision and land development to the County Planning Commission.

(Ord. 895, 2/22/1993, as added by Ord. 995, 12/19/2005)

§22-602. Enactment of Subdivision and Land Development Ordinance Amendment.

1. Amendments to the subdivision and land development ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by this Part. In addition, in case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.

2. Within 30 days after adoption, the Borough Council shall forward a certified copy of any amendment to the subdivision and land development ordinance to the County Planning Commission.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

§22-603. Publication, Advertisement and Availability of Ordinance.

1. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies

of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text in not included:

A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

B. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

3. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

§22-604. Referral to Planning Commission.

All proposed amendments before adoption shall be referred to the Borough Planning Commission and the Montgomery County Planning Commission at least 30 days prior to the public hearing for recommendation and report, which shall not be binding.

(Ord. 895, 2/22/1993, Art. VI, §601; as amended by Ord. 995, 12/19/2005)

§22-605. Hardship Clause.

1. Modifications. Borough Council may consider and grant, where appropriate, modifications to the provisions of this Chapter where literal enforcement will enact an undue hardship on the developer because of peculiar conditions pertaining to the land in question. A request for relief hereunder must be in writing and will become a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of this Chapter that are involved and the minimum modifi-

cation necessary. While retaining jurisdiction over the matter, Council may refer the request for modification to the Borough Planning Commission for its advisory comments.

2. In granting waivers and modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. 895, 2/23/1993, Art. VI, §605; as amended by Ord. 995, 12/19/2005)

§22-606. Change of Engineering Standards and Regulations and Landscape Standards.

The captioned standards annexed hereto as Appendices A and B respectively may be amended and updated, from time to time, by the Borough Council by roll call resolution.

(Ord. 895, 2/22/1993, Art. VI, §606)

22 Attachment 1

Borough of Ambler

APPENDIX "A"
ENGINEERING STANDARDS

§101. Paving.

The pavement of all streets and all commercial, industrial and multifamily parking areas and driveways into and out of said parking areas shall be installed as shown on the final plan and in accordance with the following standards:

A. General. All paving shall be constructed both as to materials and methods, in conformance with applicable portions of the Pennsylvania Department of Transportation (PennDOT) Specifications, Form 408, last revision edition.

B. Pavement Design. All pavement areas shall conform to PennDOT specifications, Publication 408, latest revision, and as follows:[1]

(1) The pavement for local and residential roads shall have a minimum total compacted depth of 10 inches, consisting of four inches of compacted subbase (PennDOT aggregate No. 2A), 4.5 inches of Superpave base course (25 mm, PG 64-22, 3 to 30 million ESALs), and 1.5 inches of Superpave wearing course (9.5 mm, PG 64-22, 3 to 30 million ESALs, minimum SRL H). The paving materials and workmanship shall be in accordance with PennDOT Specifications, Publication 408, latest revision.

(2) The pavement for arterial and collector roads shall have a minimum total compacted depth of 12.5 inches, consisting of four inches of compacted subbase (PennDOT aggregate No. 2A), four inches of Superpave base course (25 mm, PG 64-22, three to 30 million ESALs), three inches of Superpave binder course (19.0 mm, PG 64-22, 3 to 30 million ESALs), and 1.5 inches of Superpave wearing course (9.5 mm, PG 64-22, 3 to 30 million ESALs, minimum SRL H). The paving materials and workmanship shall be in accordance with PennDOT Specifications, Publication 408, latest revision.

C. Paving Cross-Section. All pavements, except where super-elevated for curves, shall have a minimum slope from center of road to gutter line of 1/4 inch per foot and a maximum slope of 3/4 inch per foot except in super-elevated sections as governed by AASHTO.

[1] **Editor's Note: Road Details are included at the end of Chapter 21, Streets and Sidewalks.**

D. Alternative Paving. Alternative paving specifications may be approved for roads, driveways and parking lots not intended for dedication to the Borough, in commercial, industrial, rural, multifamily and mobile home park areas. These approvals will be subject to Borough Council review and must be supported by a detailed engineering analysis.

E. Street Excavations. Requirements and standards regarding permitting and execution of street excavations provided in Chapter 21, Streets and Sidewalks, Part 2, as amended, shall apply to excavations performed as part of any land development.

(Res. 2/22/1993; as amended by Ord. 1016, 5/19/2008)

§102. Radii of Pavement and Right-of-Way at Intersection.

Street intersections shall be rounded with tangential arcs at pavement edge (curbline) and right-of-way lines as listed below. Where two streets of different right-of-way width intersect, the radii of curvature for the widest street shall apply.

Type of Street	Minimum Radius of Arc at Intersection of Pavement Edge or Curbline (In Feet)	Minimum Radius of Arc at Intersection of Right-of-Way Line (In Feet)
Primary	35 (or more as may be required)	20 (or more as may be required)
Secondary	35	20
Local Access	25	15

A. All radii specified herein must be increased if large trucks, fire trucks or other emergency vehicles would have difficulty with ingress or egress.

(Res. 2/22/1993)

§103. Driveways and Parking Areas on a Lot Serving a Single Dwelling Unit.

The driveway and parking area shall have a thickness or not less than eight inches and base of which shall consist of six inches base course of 2A modified stone as compacted and a surface which shall be two inches compacted thickness of ID-2A (one inch binder, one inch surface). The paving materials and workmanship shall be constructed in accordance with PennDOT Specifications, Form 408, latest revision.

(Res. 2/22/1993)

§104. Construction Inspection.

The construction of all driveways and parking areas will be subject to the inspection and approval of the Borough. The Borough shall be notified a minimum of 48 hours in advance of construction. Failure to follow these rules will prevent use and occupancy of the structure until it can be proven that the driveway was constructed properly.

(Res. 2/22/1993)

§105. Sidewalk Construction.

Requirements and standards regarding construction and repair of sidewalk provided in Chapter 21, Streets and Sidewalks, Part 3, as amended, shall apply to sidewalk construction and repair performed as part of any land development.

(Res. 2/22/1993; as amended by Ord. 1016, 5/19/2008)

§106. Curb Construction.

Requirements and standards regarding construction and repair of curb provided in Chapter 21, Streets and Sidewalks, Part 3, as amended, shall apply to curb construction and repair performed as part of any land development.

(Res. 2/22/1993; as amended by Ord. 1016, 5/19/2008)

§107. Drainage.

1. General.

   A. Blocks and Lots. Blocks and lots shall be graded to secure proper drainage away from buildings and to allow the collection of stormwater in catch basins. Minimum 2% slopes away from structures shall be required. Concrete curbs shall be installed in all residential streets, commercial and industrial developments.

   B. Design. All drainage provisions shall be of such design as to carry surface water to the nearest practical street, storm drain, detention basin or natural water course. Where drainage swales are used, they shall not be less than 1% grade. The swales shall be sodded or planted as required and shall be of such shape, size and slope to conform with specifications of the Borough Engineer.

   C. Construction. The developer shall construct and/or install such drainage structures and/or pipes which are necessary to prevent erosion damage and to satisfactorily carry off such surface waters to the nearest practical street,

storm drain or natural watercourse, in accordance with current State erosion control and sedimentation regulations.

D. Multifamily or Nonresidential Areas. Roof drainage shall be conveyed by downspouts and other drainage facilities to a stormwater detention and control structure to minimize the effects of increased runoff. No roof drains shall discharge directly to streets without approval of the Borough Engineer.

E. Natural Watercourses. Drainage easements shall be required along natural watercourses with a minimum width of 20 feet and may be as open space. Where conditions warrant, such as in floodplains, additional width shall be required to convey a 100 year design storm. Staged discharge or water surface profile studies for the design storm will be required to establish high water elevations.

F. Easements and Dedication. Where stormwater or surface water will be gathered within the subdivision of land and discharged or drained in volume over lands within or beyond the boundaries or the subdivision or land development, the subdivider, developer or builder shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge or drainage and for carrying off of such water and for the maintenance, repair and reconstruction of the same, including the right of passage over, including vehicles, machinery and other equipment for such purposes and which shall be of sufficient width for such purposes and which shall be of sufficient width for such passage and work. The subdivider, developer or builder shall convey, at no cost to the Borough, easements to the Borough upon demand, at the completions and stabilization of all improvements.

2. Requirements and Calculations.

A. Storm Drains, Storm and Surface Drainage. All storm drains and drainage facilities such as gutters, catch basins, bridges, inlets and culverts shall be installed and the land graded for adequate drainage as shown on the grading plan submitted and approved with the final plan.

B. When Required. Storm drains and appurtenances shall be required to be constructed by the subdivider to take surface water from the bottom of vertical grades, the grades of which slope on both sides towards the bottom, to lead water away from springs and to avoid excessive use of cross gutters at street intersections and elsewhere.

(1) Open watercourses will be permitted where they exist naturally and where, in the opinion of the Borough Engineer, they will not interfere with public convenience or safety, but in fact will provide comparable or superior drainage capabilities of piped drainage.

(2) When submitting a plan for approval involving the construction of storm drainage facilities the designer's computations shall be submitted in duplicate to facilitate the checking of design.

(3) Design of storm drainage facilities shall be completed in accordance with accepted engineering practices subject to approval by the Borough Engineer.

Stormwater management facilities shall be designed so that the peak discharge of runoff after development for the design storm shall be no more than the peak flow before the development was undertaken.

C. Location. Wherever practicable, storm drains shall be located within the right-of-way of the street. They shall be protected by a cover of at least 24 inches.

D. Size and Grade. Storm drains shall be adequate for the anticipated runoff when the area is fully developed as permitted by zoning and capable of carrying a 25 year design storm. All areas of sumps shall be designed to convey a 100 year storm frequency. They shall have a minimum internal diameter of 18 inches and a minimum grade of 1/2 of 1% unless otherwise approved by the Borough Engineer.

E. Manholes. Manholes shall be constructed at all changes in horizontal or vertical alignment, shall be spaced not more than 300 feet apart on pipe of 24 inches internal diameter or less. Inlets shall be substituted for manholes where they will serve a useful purpose.

F. Inlets. Inlet spacing shall be so arranged that 95% of the gutter flow will be captured. No inlet smaller than PennDOT Type C Inlet shall be used. Double inlets space by 20 linear feet of pipe shall be required if adequate efficiency is not realized with the PennDOT Type C Inlet. Inlets at street intersections shall be placed on the tangent and not on the curved portions. The gutter adjacent to and immediately upgrade from the inlet shall be so warped as to direct the water into the inlet.

G. Castings. Manhole and inlet castings, together with their covers or gratings shall conform to PennDOT or Borough standards, as may be in effect at the time.

H. Unnatural Drainage. Wherever construction stops or concentrates the natural flow of storm drainage in such a way to affect adjoining properties, approval of the owners should be obtained in writing and copy filed with the Borough Manager. Approval of plans by the Borough does not authorize or sanction drainage affecting adjoining properties.

I. Drainage from Nonnatural Sources. Water originating from other than natural sources, such as air conditioning units, sump pumps or other dry

weather flow, wherever practicable, shall be discharged into natural watercourses on the property. It is desirable that the discharge of water under the sidewalk through the curb into the gutter, be avoided.

3. Calculations of Runoff.

   A. General. The quantity of runoff shall be computed using current accepted engineering practice.

   B. Design Frequency. All stormwater facilities shall be designed to transport a 25 year frequency storm. Provision must be made to transport a 100 year frequency storm so that surface waters will not damage property or flood roads and that the 100 year frequency storm shall be transported to the appropriate stormwater management facility. All natural streams shall be provided with a 100 year floodway as calculated by accepted engineering practice.

   C. Intensity-Duration-Frequency. The intensity-duration-frequency relationship to be used in all stormwater computations shall be that of Region five of the Field Manual of the PennDOT Storm Intensity-Duration-Frequency Charts, dated May, 1986, or latest revision.

   D. The time of concentration shall consist of the inlet time plus the time of flow in the storm sewer from the most remote inlet to the point in question.

4. Hydraulic Calculations. All calculations shall be based upon accepted engineering practice. Runoff and hydraulic computations shall be submitted in a manner acceptable to the Borough Engineer. Inlet design data shall be submitted on a separate sheet, on the standard PennDOT design form.

5. Design Criteria.

   A. Minimum internal pipe diameter shall be 18 inches.

   B. Open channels should have a triangular or trapezoidal cross section. Side slopes shall be a minimum of four horizontal to one vertical. Exceptions to these slopes must be approved by the Borough Engineer.

   C. Permissible channel velocities, slopes and cover shall be in accordance with the Soil Conservation Service (SCS) Engineering Field Manual, Chapter 7, "Grassed Waterways and Outlets.

   D. Existing stream channels shall be maintained in their natural state. Only under unusual circumstances will it be permitted to line, straighten or relocate an existing stream. The approval of the Pennsylvania Department of Environmental Protection (DEP) and SCS will be required.

E. Acceptable energy dissipation devices shall be installed to bring discharge velocities down to limits specified in the SCS Engineering Field Manual, Chapter 7. Gabions will be necessary in the channel to reduce erosion downstream from the pipe discharge. Additional rip rapping and/or gabions may be required by the Borough Engineer where erosion potential is great.

F. Open-ended influent pipes are to have proper end treatments. Where they cannot be avoided, safety facilities shall be constructed, acceptable to the Borough Engineer to prevent access by small children.

6. Design Facilities.

A. All pipe material, workmanship and its installation shall conform to PennDOT Specifications, Form 408. All pipe shall be reinforced concrete. Substitutions may be approved by the Borough Engineer.

B. Inlets, headwalls, manholes, etc., shall be as shown in PennDOT Standard Details for Roadways or as approved by the Borough Engineer.

C. Manholes shall be constructed at all changes in horizontal and vertical alignment. Manholes shall not be more than 300 feet apart where pipe sizes of 24 inches are used and not more than 450 feet apart where larger sizes are installed. Manhole frames and covers shall be good quality cast iron, covers shall be marked "Storm" and have a minimum weight of 220 pounds. Inlets may be substituted for manholes.

D. Stormwater drains should be discharged to lawns and subsequently to drainage swales. Only where topography conditions prohibit, should roof drains discharge directly to the street. Roof drains will not be permitted to discharge onto parking areas in high density residential, commercial, shopping center or industrial districts.

7. Stormwater Detention.

A. Stormwater detention facilities will be required if one of the following conditions are met:

(1) Runoff from the development would exceed the capacity of downstream stormwater facilities.

(2) Runoff from a proposed parking facility or building would increase the peak runoff from the existing condition.

B. The design criteria for the stormwater detention facility shall be agreed upon by the Borough Engineer. Developers are encouraged to investigate all measures to reduce and detain water for discharge at a delayed rate or groundwater recharge. All reasonable methods will be considered.

8. Design Submission.

   A. All plans showing the proposed storm sewer construction must be accompanied by a complete design submitted by a registered professional engineer.

   B. When subdivisions or land developments are submitted to the Borough for approval in sections, a complete storm sewer design for the proposed subdivision and land development shall be submitted. The proposed design must include the entire tract and not a portion of said tract.

   C. If only a section of a subdivision or land development is contemplated for construction, the applicant's engineer shall show how he proposes to handle stormwater from this section in order to prevent damage to adjacent properties. If temporary construction is required, the engineer shall include such structures in the plan submitted.

   D. In the event such temporary measures cannot ensure protection to adjacent properties, then the main outfall line of the storm sewer shall be included as part of the construction for the proposed section.

(Res. 2/22/1993)

§108. Utility Locations, Easements and Rights-of-Way.

Widths and locations and easements and rights-of-way shall be determined by the Borough Engineer for all utilities, including stormwater facilities and shall be governed by the requirements herein:

   A. General Standards.

      (1) Easements and required front, side or rear yard may occupy the same area.

      (2) Nothing shall be permitted to be placed, planted, set or put within the areas of an easement unless it is a portable or removable object. The area shall be kept as lawn.

      (3) The owner of any lot, upon written request by the Borough, and at the owner's sole expense, shall remove any item placed, planted, set or put (with or without knowledge of these regulations) within the area of any easement.

      (4) To the fullest extent possible, easements shall be adjacent to rear or side lot lines and occupying only a portion of one lot.

   B. No right-of-way nor easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved

plan. Any error found in a deed shall be immediately corrected and re-recorded in the Office of the Recorder of Deeds for Montgomery County at Norristown, Pennsylvania, at the sole expense of the subdivider or developer. All rerecorded information shall be forwarded to the Borough for their records.

C. Utility Easements. A minimum width of 20 feet shall be provided for common utilities and drainage provided in undedicated land for one use.

D. Public Utilities. All water, sewer and gas mains and other underground facilities shall be installed prior to street paving at locations approved by the Borough Engineer.

E. Underground Utilities. All water, sewer and gas mains shall be installed underground. All electric, telephone and communication services, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. All main underground cables which are within the right-of-way of a street shall be located as specified by the Borough Engineer.

(1) In order to promote and facilitate the underground installation of utility distribution lines, a letter of endorsement shall be required from the suppliers of utility service (not limited to electrical, telephone or cable television), wherein the applicant acknowledges that underground utilities shall be installed as part of the improvement plan.

(2) A statement relative to the intent of the developer to provide underground utility service shall be placed on the final plan.

(3) The provisions of this Appendix shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of public utility structures or facilities which may hereafter be located within public easements or rights-of-way designated for such purposes.

(4) Light standards are to be placed as required by ordinance and as required by Ambler Borough Council. Power source for such standards shall be placed underground as required.

(5) Along arterial roads and major highways, all new electrical service should be placed underground.

(Res. 2/22/19930)

§109. Sanitary Sewers.

1. Sewers. Sanitary sewers shall be installed and connected to the Borough sanitary sewer system following review of plans and approval by DEP and the Borough Sewer Authority.

    A. Sanitary sewers, with connection to each building in a subdivision or land development, shall be installed at the expense of the applicant or subdivider and connected to the Borough sanitary sewer system.

    B. Sanitary sewers shall be constructed according to the applicable regulations.

(Res. 2/22/1993; as amended by Ord. 991, 8/15/2005)

§110. Water Supply.

1. The subdivider shall provide public water service to each lot in a proposed subdivision or land development.

2. Fire hydrants shall be located at points throughout the subdivision and land development as directed by the Ambler Borough Water Department. The type and methods of construction to be employed in the fire hydrants, water distribution system and other appurtenances, shall be in accordance with the current Ambler Borough Water Department specifications.

(Res. 2/22/1993)

§111. Erosion and Sediment Control.

The requirements of this Section apply when they are more stringent than those of DEP or when DEP has no jurisdiction.

A. General.

(1) For qualifying tracts, no changes shall be made in the contour of the land, no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been approved by Montgomery County Conservation District.

(2) No subdivision or land development plan shall be approved unless there has been a plan approved by the Council members that provides for minimizing erosion and sedimentation consistent with this Section and an improvement bond or other acceptable financial securities are deposited with the Borough in the form of an escrow guarantee which will ensure installation and completion of the required improvements.

(3) The Borough Council, in its consideration of any preliminary plan of subdivision and land development shall condition its approval upon the execution of measures designed to prevent accelerated soil erosion and resulting sedimentation, as required by the Pennsylvania Department of Environmental Protection. All applicable regulations and permit requirements of said Department as stipulated in its Soil Erosion and Sedimentation Control Manual shall be followed by all parties engaged in earth moving activities. The manual is available at the Office of the Montgomery County Conservation District, Creamry, Pennsylvania. The Borough Engineer shall assure compliance with appropriate specifications and requirements.

B. Performance Principles.

(1) Any effective methods of minimizing erosion and sedimentation may be included in the plan. Any questionable method should be discussed with the Borough Engineer prior to submission.

(2) No unfiltered stormwater coming from an area which has been disturbed shall be permitted onto an adjacent tract.

C. Responsibility.

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other activity, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

(2) It is the responsibility of any person, corporation or other entity doing any act on or across a stream, watercourse or swale or upon the floodplain or right-of-way thereof, to maintain, as nearly as possible, in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.

(3) 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 Borough or DEP, whichever is applicable.

D. Compliance with Regulations and Procedures.

(1) The Borough Council in its consideration of all preliminary plans of subdivision and land development shall condition its approval upon

the execution of erosion and sediment control measures as contained in this Section.

(2) The installation and design of the required erosion and sediment control measures shall be in accordance with the standards and specifications as previously set forth.

(3) Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required under the Borough Subdivision and Land Development Ordinance [Chapter 22].

(4) The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plans of subdivision or land development.

(5) At the time that a building permit is applied for, a review shall be conducted by the Borough Engineer to ensure conformance with the plan as approved. During the construction phase, further technical assistance will be furnished, if necessary, by the Borough Engineer and the Montgomery County Conservation District. During this development phase, the Borough Engineer shall inspect the development site and enforce compliance with the approved plans.

(6) Permission for clearing and grading prior to recording of plans may be obtained under temporary easements or other conditions satisfactory to Borough Council and Solicitor.

(Res. 2/22/1993; as amended by Ord. 991, 8/15/2005)

§112. Bridges and Culverts.

1. Bridges and culverts shall be designed to meet current PennDOT standards to support expected loads and to carry expected flows. They shall be constructed to full width of the planned right-of-way. Allowance for sidewalk must also be made, if required by the Borough.

2. Where County owned roads or bridges are involved, the County Department of Roads and Bridges must review and approve all proposals.

3. It is unlawful to construct any dam or other water obstruction or to make any change in or addition to any existing water obstruction or in any manner change or diminish the course, current or cross-section of any stream or body of water, without first having made written application to and obtained consent or permit, in writing, from DEP.

4. The following information is required:

A. Drawings, to include location plan.

B. Cross-section of present bridge, if one exists.

C. Profile of stream for a minimum distance of 500 feet above and below the bridge site showing slopes of the stream bed, normal water surface and flood water surface. If the bridge is on a skew, give the angle of the centerline of the bridge with the direction of the line of flow. In addition, the total drainage area above the bridge site.

D. Character of stream bed and banks.

E. Extent and depth of overflow during floods.

F. Effect of previous floods upon bridges, their span and clearance.

G. Whether bridge will be within backwater influence of parent stream.

5. When submitting a plan involving construction of bridges or culverts, there shall be submitted a complete set of structural computation and drawings. These drawings shall be signed and sealed by a registered professional engineer.

(Res. 2/22/1993; as amended by Ord. 991, 8/15/2005)

§113. Survey Monuments.

1. Street right-of-way reference monuments shall be concrete and located on the right-of-way lines at corners, angle points, beginning and end of curves and as otherwise required by the Borough Engineer. Monuments shall be indicated on the record plan. They shall be place after all construction has been completed. The centerline of all new streets shall be marked with spikes (P.K. nails) and referenced to permanent monuments or structures. A certified copy of this referenced information shall be given to the Borough Engineer. Permanent reference monuments of concrete, 20 inches by four inches by four inches with 45° beveled edges, shall be set by a registered land surveyor all corners and angle points of the boundaries of the original tract to be subdivided and at all streets intersections and intermediate or additional points as may be required.

2. Lot Pin Requirements. All lots shall have lot pins installed by the registered surveyor for the subdivider, builder or developer, when final grading has been completed. This stake out shall be visible and completed within six months of completion of grading. All lot corner markers shall be permanently located and shall be at least 5/8 inch metal pin with a minimum length of 18 inches. All pins shall have set reference stakes of wood with a minimum length of 24 inches and a surveyor's ribbon. Stakes shall be marked "Property Corner."

3. Bench Marks. The Borough elevations are based on the USGS Datum. Location and elevation is available to all engineers and surveyors upon request to the Engineer's office. All contours and elevations shown on the plan must be based on this system.

4. Duration. These engineering standards shall remain in effect until further action by the Ambler Borough Council.

(Res. 2/22/1993)

22 Attachment 2

Borough of Ambler

APPENDIX "B"
LANDSCAPE PLANTING REQUIREMENTS

§100. Statement of Intent.

In addition to the purposes stated in Part 1 of this Chapter, it is the intent of these landscaping planting requirements to:

A. Promote current landscape architectural professional planting design standards and practices which take into account the horticultural requirements of individual plant species, aesthetic characteristics and safety considerations of planting plans.

B. Specifically, it is the intent of these landscape planting requirements to conserve existing health plant communities and to require new landscape plantings in infill areas and redevelopment areas in order to:

(1) Reduce soil erosion by minimizing stripping of existing woodlands or tree masses thereby protecting water quality.

(2) Reduce stormwater runoff velocity and quantity by providing planting areas where stormwater can infiltrate.

(3) Improve air quality by conserving existing or creating new plantings which produce oxygen and remove carbon dioxide from the atmosphere.

(4) Provide habitat for small animals such as birds.

(5) Provide wind breaks, shade and other micro-climate benefits of trees and landscape plantings.

(6) Conserve, culturally or environmentally important landscapes such as wooded hillsides, scenic views or aesthetic natural areas.

(7) Preserve and enhance property values in the Borough through the implementation of good landscape architectural standards.

(8) Provide planted buffers between certain land developments which act to visually integrate a development into existing landscape.

(9) Provide planted and architectural visual screens around visually obtrusive site elements within development.

(10) Enhance the aesthetic appearance of the community and provide privacy and beauty.

(11) Provide appropriate traffic directional systems through moderating solar radiation (shade).

§100.1. Preservation of Existing Vegetation.

1. Preservation of Existing Vegetation. Each mature tree, tree mass or woodland on the site shall be designated "To Remain" or "To Be Removed," depending on the following criteria:

   A. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of the healthy trees and shrubs on the site. Special consideration shall be given to major specimen trees.

   B. A mature tree, tree mass or woodland shall be considered "To Remain" only if it meets all of the following criteria:

      (1) The outermost branches of the tree(s) are at least five feet from any proposed buildings, structures, paving, parking or utilities (overhead or underground).

      (2) The outermost branches of the tree(s) are at least five feet from any proposed changes in grade or drainage such as excavations, mounding or impoundments.

      (3) The tree(s) are clear of any proposed sight triangles and do not by their locations or apparent health post any undue threat to the health, safety and welfare of the community.

   C. Mature trees and tree masses which do not fit the above criteria shall be designated "To Be Removed." These trees will be removed in the field during the construction process.

   D. It shall be incumbent on the applicant to prove that vegetation removal is minimized by showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees and tree masses.

2. Protection of Existing Vegetation. Existing vegetation designated "To Remain," according to §100.1 above, as part of the landscaping of a subdivision or land development shall be identified in the field prior to any clearing and physically protected throughout the construction process. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the dripline on all sides of individual trees, tree masses or woodlands prior to major clearing or con-

struction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscaping plan.

3. Transplanting Existing Plant Material. Specimen trees or individual trees from woodlands or tree masses designated "To Be Removed" may be transplanted with a tree spade from one area of the site to another. Transplanted trees must conform to §100.5 and 100.6 of this Appendix.

§100.2. Parking Lot Landscaping.

1. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights and parking lot lights, to delineate driving lanes and define rows of parking. Furthermore, parking lots should be adequately shaded in order to reduce the amount of reflected heat.

2. All parking lots with 10 or more stalls shall be landscaped according to the following regulations:

   A. One planting island shall be provided for every 10 parking stalls. There shall be nor more than 10 contiguous parking stalls in a row without a planting island.

   B. The ends of all parking rows shall be divided from drives by planting islands.

   C. Parking islands shall be a minimum of nine feet by 18 feet in area, underlain by soil, not base course material, mounded at no more than a four to one slope, nor less than a 12 to one slope and shall be protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or groundcover to cover the entire area.

   D. Where installed to divide parking areas, all planting strips shall be a minimum of eight feet wide and shall run the length of the parking row, underlain by soil, mounded at no more than four to one slope nor less than 12 to one slope and shall be protected by curbs, wheel stops or bollards. Planting strips shall contain plantings of street type shade trees at intervals of 30 to 40 feet, plus shrubs and groundcover to cover the entire area.

   E. The placement of light standards shall be coordinated with the landscape design to avoid a conflict with the operation of light fixtures.

   F. Plant materials shall comply with the requirements of §100.5 herein. The use of plantings selected from the List of Recommended Plant Material, §100.6 is encouraged.

3. All parking lots shall be screened from public roads and from adjacent properties as required in this Section.

§100.3. Street Trees.

1. Street trees shall be required:

   A. Along all existing streets when they abut or lie within the proposed subdivision or land development.

   B. Along all proposed streets.

   C. Along access driveways which serve five or more residential dwelling units.

   D. Along access driveways which serve two or more nonresidential properties.

   E. Along major walkways through parking lots and between nonresidential buildings, as recommended by the Borough Planning Commission.

2. The street tree requirement may be waived by the Borough Council where existing vegetation is considered sufficient or to maintain scenic views of open space, historic buildings or natural features.

3. Street trees shall be provided by the subdivider or developer between the legal right-of-way line and the building setback line and shall meet the following standards:

   A. Trees shall be planted a minimum distance of five feet and a maximum distance of 15 feet from the legal right-of-way line. However, in certain cases, as follows, the Borough Council may permit trees to be planted within the legal right-of-way:

      (1) In already build-up areas, such as along Butler Pike.

      (2) In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.

   B. In nonresidential developments, trees shall be located within a planting bed within the front yard setback, at least 10 feet in width, planted in grass or groundcover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits may be used.

   C. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance of three feet from curbs and sidewalks, 15 feet from overhead utilities and six feet from underground utilities.

D. Trees shall be planted at a ratio of at least one tree per 40 linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.

E. Trees shall comply with requirements of §100.5 herein. The use of tree species selected from the List of Recommended Plant Materials in §100.6 is encouraged.

§100.4. Buffers and Screens.

1. All subdivisions and land developments shall be landscaped with the following two components:

   A. Property line buffers which act to integrate new development with its surroundings and to separate incompatible land uses.

   B. Site element screens which act to minimize or eliminate views to certain site elements located within 100 feet of property lines or road rights-of-way.

2. The following requirements are minimum standards and additional plant material, berms or architectural elements may be included in the plan at the applicant's discretion.

3. Property line buffer requirements where required by Zoning Ordinance [Chapter 27].

   A. A buffer area as specified in the Zoning Ordinance [Chapter 27] shall be established along all property lines.

   B. The buffer area may be included within the front, side or rear yard setback.

   C. The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs and grass or groundcover.

   D. Parking is not permitted in the buffer area.

   E. Site element screens are permitted within the buffer area.

   F. Stormwater basins are not permitted within the buffer area.

   G. For every 100 linear feet of property line to be buffered, there shall be one canopy tree and two ornamental trees. However, one evergreen tree may be substituted for one of the required ornamental trees, at the applicant's discretion.

   H. Design Criteria.

(1) The required plant material shall be distributed over the entire length and width of the buffer area.

(2) Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings which reflect the natural character of the region are encouraged.

(3) Plants shall be spaced to provide optimum growing conditions.

(4) All plant materials shall meet the requirements of §100.5 and be selected from the recommend list in §100.6 of this Appendix.

I. Existing healthy trees, shrubs or woodlands may be substituted for part or all of the required plant material at the discretion of the Borough Council. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer or site element screen.

J. Existing topographic conditions such as embankments or berms in conjunction with existing vegetation may be substituted for part or all of the required property line buffers and site element screens at the discretion of the Borough Council. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.

4. Site Element Screens.

A. Site element screens shall be provided for all proposed land developments around the following site elements, when these are located partially or fully within 100 feet of property lines adjacent to office, commercial, institutional or residential uses or road right-of-way. Site element screens are not required for site elements within 100 feet of property lines adjacent to industrial uses, such distance; however, shall not exceed the dimensions of the property.

(1) Parking lots of three or more stalls.

(2) Dumpsters, trash disposal or recycling areas.

(3) Service or loading docks.

(4) Outdoor storage or sales yard.

(5) Vehicle storage.

(6) Single-family attached rear yards.

(7) Multifamily rear yards.

(8) Sewage treatment plants and pump stations.

(9) Stormwater management basins.

B. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoning district shall be used. These existing zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirement shall apply.

C. The type of site element screens shall be determined by the site element and the area available for screening, in accordance with Table 1.

D. Site elements not include in the above list but with similar visual impact shall be screened according to the requirements for the most similar elements as determined by the Borough.

E. Screen Location. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.

F. Screen Types and Design Criteria. The following types of screens shall be used where specified in Table 1:

(1) Evergreen or Deciduous Shrubs. Shrubs shall be placed three feet on center in a minimum five-foot-wide bed surrounding the site element and arranged to provide a continuous hedgelike screen up to a minimum height of 3 1/2 feet at maturity. Shrubs may be clipped to form a hedge or left in natural habit.

(2) Double Row of Evergreen Trees. A double row of evergreen trees shall be placed 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12 feet at maturity.

(3) Opaque Fence. A six-foot opaque fence surrounding the site element on at least three sides with vines planted eight inches on center.

(4) Opaque Fence With Ornamental Trees and Shrubs. A six-foot opaque fence surrounding site element on at least three sides with additional plantings at the minimum rate of three shrubs and two ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to fence.

(5) Architectural Extension of the Building. An eight-foot minimum height architectural extension of the building (such as a wing wall)

shall enclose the service or loading dock. The extension shall be consistent in building materials and style with main building.

(6) Berm With Ornamental Trees. A two-to-three-foot-high continuous curvilinear berm with ornamental trees at the rate of one tree for every 20 feet clustered or arranged informally. Maximum slope is 3:1.

(7) Fence or Trellis With Vines. A four-to-six-foot-high semi-opaque trellis or fence designed to support vines surrounding the site element on three sides with evergreen vines planted eight inches on center and staked to the fence or trellis. Use of chain link fencing is prohibited.

(8) Berm With Evergreen Shrubs. A two-to-three-foot-high continuous curvilinear berm with evergreen shrubs planted three feet on center in a formal or informal arrangement at a rate of one shrub for every five linear feet of berm.

(9) Low Wall. A wall of brick or stone (not cement blocks) at least 50% opaque, no less than three and no more than four feet in height.

G. The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of this Appendix, with the approval of the Borough Council.

H. Plant materials shall meet the specifications of §100.5. Use of plantings selected from the List of Recommended Plant Material is recommended.

5. Site Element Screens in the DC-2 District.

A. Refuse areas shall not be located in front of a building or buildings on the lot.

B. The storage of refuse shall be provided inside the building or within an outdoor area entirely enclosed by either opaque walls or opaque fencing. Fences shall not be chain link and shall be comprised of wood or simulated wood (such as PVC); walls shall not be exposed cinder block.

C. The enclosure shall be architecturally compatible with that of the building or buildings on the lot, as demonstrated by a sketch provided on the preliminary plan.

D. Drive-Throughs. Drive-throughs shall be required to be screened with evergreens, vegetation, walls, and/or fencing to minimize their view from public rights-of-way and neighboring properties. Any evergreens shall be planted four feet apart and shall be at least six feet in height at time of planting. Any walls shall not be of exposed cinder block. Fences shall be comprised of wood or simulated wood (such as PVC) and be of at least 80% opacity. If there is only one finished side of a fence, it shall face outwards.

E. These provisions are controlling in the DC-2 District over any inconsistent provision in any other part of the Zoning Ordinance.

(As amended by Ord. 1018, 7/21/2008)

§100.4A. Additional Buffering and Screening Requirements for Nonresidential Properties Abutting Parcels in the R-1 District.

1. Where not already required by the Borough Zoning Ordinance [Chapter 27], any land development of a parcel in a nonresidential zoning district which shares any part of its boundary with a parcel in the R-1 Residential District shall include the "basic buffer" described below unless, upon consideration, Council shall conclude that one of the "alternate buffers" would, under the circumstances, provide an adequate and appropriate buffer. These requirements are in addition to any other applicable requirement in this Chapter or the Zoning Ordinance. All vegetative screens shall be maintained and dead plantings replaced.

2. Buffer (see Figure 1: Sample Buffer[1]). The buffer will be 15 feet wide in total and shall consist of a six-foot-tall fence made of wood or simulated wood (no chain link; PVC is acceptable provided it is not white, which can cause reflective glare) with at least 80% of the fence being opaque. If only one side of the fence has a finished appearance, that side shall face the residential property. The fence shall be built to (but not on) the property line. The evergreens shall be planted along the inside of the fence, either in a row or in a staggered line. The evergreens shall be at least six feet in height at the time of planting and reach a height of at least 12 feet at maturity. The trees shall be planted five feet apart (measured trunk-to-trunk). The row of trees shall be offset a minimum of five feet from the fence (measured from the trunk), and may be staggered to provide additional room for growth and create a more natural-looking buffer.

3. A buffer shall be required where a nonresidential property's side yard abuts a secondary street, where that property lies opposite the R-1 Residential District. The buffer shall be a continuous row of evergreen shrubs, trees, or a hedge (except where vehicular access is required). Within the intersection's site triangle, the buffer shall be five feet wide and shall not be greater than three feet in height. Outside the site triangle, the buffer shall be five feet wide and shall be a minimum of six feet and a maximum of nine feet tall. The buffer shall be maintained so that it does not grow higher than nine feet.

4. Maintenance. Vegetative buffers and screens shall be maintained so there is continuous vegetation, both low and high. If a tree or shrub in the buffer or screen dies, it shall be replaced. Buffers shall be weeded and mulched as necessary. Where needed to facilitate maintenance of the outer side of the buffer, gates in walls and fences, or breaks in vegetative buffers, shall be required so the property owner can undertake maintenance on the buffer.

[1] **Editor's Note: Figure 1 is on file in the office of the Borough Secretary.**

5. Buffers shall not be located in road or driveway site triangles (buffers may be extended at an angle to match the line of the sight triangle border), except where required by Subsection 3 above.

6. Where any portion of this Section is inconsistent with any more general ordinance provision relating to buffering requirements, this Section shall control.

(Ord. 1017, 7/21/2008)

§100.5. Plant Materials Specifications, Maintenance and Guarantee.

The following standards shall apply to all landscaping materials or transplanted trees required under this Appendix:

A. General Requirements.

(1) The location, dimensions and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture and sunlight. (Refer to Plant Table 1)

(2) Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and above ground utilities and sight triangle areas required for unobstructed views at street intersections.

B. Plant Specifications.

(1) All plants shall meet the minimum standards for health, form and root condition as outlined in the American Association for Nurserymen (AAN) standards.

(2) All plant material shall be hardy within the USDA Hardiness Zone six application to. . . .

(3) Canopy trees shall reach a minimum height and spread of 30 feet at maturity as determined by the AAN standards and shall be deciduous. New trees shall have a minimum caliber of 2 1/2 inches at planting.

(4) Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity based on AAN standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character, such as showy flowers, fruit, habit, foliage or bark. New ornamental trees shall have a minimum height of six feet

or 1 1/2 inches caliper. New large shrubs shall have a minimum size of 2 1/2 to three feet at time of planting.

(5) Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of four feet based on AAN standards for that species. New shrubs shall have a minimum size of 18 inches at time of planting.

(6) Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height of six feet.

C. Maintenance.

(1) Required plant material shall be maintained for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to ensure that the required plantings are properly maintained. Dead or diseased plant material shall be removed promptly by the property owner and replaced at the next growing season.

(2) Safety. All sign triangles shall remain clear and any plant material which could endanger safety such as unstable limbs are removed and the plant material replaced. It shall be the responsibility of the property owner to ensure all plantings and architectural elements are maintained to provide a safe environment.

(3) Maintenance guidelines for the plantings are encouraged to be published by the planting plan designer, to be used by grounds maintenance personnel to ensure the design's visual buffering and screening concepts are continued.

§100.6. Recommended Plant Material List.

Some native woody plants indicated below are likely to exist on site prior to development and should be considered for preservation for the intended landscape use. If possible to save, but as practical alternative, they should be considered for onsite transportation wherever appropriate. When moved in the spring and/or fall, most native, onsite species have a high transport success rate. Consultation with a landscape architect or horticulturist is strongly recommended prior to transplanting woody plant material.

SHADE OR CANOPY TREES SUITABLE FOR STREET TREES OR PARKING LOTS AS WELL AS FOR BUFFERS OR SCREENS

Acer rubrum	Red maple (native)
Acer rubrum "Bowhall"	Upright cultivar

SHADE OR CANOPY TREES SUITABLE FOR STREET TREES OR PARKING LOTS AS WELL AS FOR BUFFERS OR SCREENS

Acer buergeranum	Trident maple
Acer X freemanii	Hybrid maple
Acer tartaricum	Tartarian maple
Celtis sp.	Hackberry (native)
Chionanthus retusus	Chinese fringetree
Cladastrias lutea	Yellow wood (native)
Corylus colurna	Turkish filbert
Ginkgo bilboa	Ginkgo (male only)
Gleditsia triacanthos, inermis	Thornless honeylocust
Liquidamber styraciflua	Sweet gum (native)
Platanus occidentalus	Sycamore (native)
Quercus accutissima	Sawtooth oak
Quercus bicolor	Swamp white oak (native)
Quercus borealis	Scarlet oak (native)
Quercus imbricaria	Shingle oak (native)
Quercus phellos	Willow oak (native)
Quercus prinus	Chestnut oak (native)
Quercus rubra	Red oak (native)
Robinia pseudoacacia	Black locust (native)
Styphnolobium japonicum	Japanese pagoda tree
Tilia americana	American linden (native)
Tilia cordata	Little leaf linden
Tilia tomentosa	Silver linden
Ulmus americana	"Princeton" or "Valley Forge"
Syringa reticulata	"Ivory silk" Japanese tree lilac
Taxodium distichum	Bald cypress
Zelkova serrata	Japanese zelkova

SHADE OR CANOPY TREES SUITABLE FOR PROPERTY LINE BUFFERS AND NONVEHICULAR USE AREAS ONLY

Acer saccharum	Sugar maple (native)
Betula lenta	Sweet birch (native)

SHADE OR CANOPY TREES SUITABLE FOR PROPERTY LINE BUFFERS AND NONVEHICULAR USE AREAS ONLY

Betula nigra	River birch (native)
Carya ovata	Shagbark hickory (native)
Carya sp.	Hickory (native)
Fagus grandifolia	American beech (native)
Fagus sylvatica	European beech
Fraxinus americana	White ash (native)
Juglans nigra	Black walnut (native)
Liriodendron tulipifera	Tulip tree (native)
Metasequoia glypostroboides	Dawn redwood
Ostrya virginiana	Hop hornbeam (native)
Platanus X acerifolia	London plane
Prunus virginiana	Chokecherry (native)
Quercus alba	White oak (native)
Quercus coccinea	Scarlet oak (native)
Quercus vellutina	Black oak (native)
Sassafras albindum	Sassafras (native)
Taxodium distichum	Bald cypress

ORNAMENTAL TREES SUITABLE FOR PROPERTY LINE BUFFERS OR SITE ELEMENT SCREENS (10 - 30 FEET AT MATURITY)

Amelanchier canadensis	Serviceberry (native) "Autumn Brilliance" or "Princess Diana"
Carpinus carolina	Ironwood (native)
Cercis candanensis	Red Bud (native)
Chionanthus virginicus	Fringetree (native)
Cornus florida	Flowering dogwood (native)
Cornus florida	"Appalachian Spring"
Cornus kousa X	Cornus florida: Rutgers hybrid Stellar® series
Cornus kousa	Japanese dogwood
Cornus mas	Cornelian cherry
Crataegus cv. Toba	Toba hawthorn

ORNAMENTAL TREES SUITABLE FOR PROPERTY LINE BUFFERS OR SITE ELEMENT SCREENS (10 - 30 FEET AT MATURITY)

Crataegus mollis	Downy hawthorn
Crataegus ozycantha	English hawthorn
Crataegus phaenopyrum	Washington hawthorn
Halesia carolinia	Silverbells (native)
Hammamelis virginiana	Witch hazel (native)
Hamamelis X intermedia	Witch hazel (hybrid)
Magnolia soulangeana	Saucer magnolia
Magnolia virginiana	Sweetbay magnolia (native)
Malus sp.	Crabapple species (native)
Oxydendrum arboreum	Sourwood (native)
Parrotia persica	Persian parrotia
Prunus saargentii	Sargent cherry
Prunus serrulata cv. Kwanzan	Kwanzan cherry
Sorbus aucupria	European mountain ash
Styrax japonica	Japanese snowbell
Syringa amurensis japonica	Japanese tree lilac

LARGE DECIDUOUS AND EVERGREEN SHRUBS SUITABLE FOR USE IN PROPERTY LINE BUFFERS OR SITE ELEMENT SCREEN (NOT CLIPPED HEDGES) (MATURE HEIGHT BETWEEN 5 AND 15 FEET)

Acanthopanax pentaphyllus	Five leaf aralia
Aronia arbutifolia	Chokeberry (native)
Cornus mas	Cornelia cherry
Cotoneaster salicifolia	Willowleaf cotoneaster
Ilex crenata compacta	Compact Japanese holly
Ilex glabra	Inkberry (native)
Ilex crenata hetzi	Hetz holly
Ilex opaca	American holly (native)
Ilex verticillata	American winterberry (various cultivars)
Juniperus chinenis glauca hetzi	Hetz blue juniper
Juniperus chinensis pfitzeriana compacta	Compact pfitzer juniper

LARGE DECIDUOUS AND EVERGREEN SHRUBS SUITABLE FOR USE IN PROPERTY LINE BUFFERS OR SITE ELEMENT SCREEN (NOT CLIPPED HEDGES) (MATURE HEIGHT BETWEEN 5 AND 15 FEET)

Lonicera fragrantissima	Winter honeysuckle
Philadelphus leminei	Mock orange
Ribes alpinum	Currant
Taxus baccata	English yew
Taxus brownii	Brown's yew
Taxus canadensis	Canada yew
Taxus densiformis	Dense yew
Taxus media hatfieldi	Hatfield yew
Viburnum dentatum	Arrow wood (native)
Viburnum lentago	Nannyberry (native)
Viburnum opulus	European cranberry bush
Viburnum prunifolium	Black haw (native)
Thuja sp.	Arborvitae

EVERGREEN SHRUBS SUITABLE FOR SITE ELEMENT SCREENS

Azalea sp (evergreen species) 3 feet in height minimum	
Chamaecyparis obtusa	Chamaecyparis
Chamaecyparis pislfera	Chamaecyparis
Ilex carenata "Hetzi"	Japanese holly
Ilex glabra	Inkberry (native)
Ilex X koehneana	Koehne holly
Ilex X meserveae	Merserve hybrid hollies
Ilex opaca	American holly
Ilex X "Nellie R. Stevens"	Nellie R. Stevens
Juniperis chinensis "Hetzi Glauca"	Hetz blue juniper
Juniperus virginiana	Eastern red cedar (native)
Kalmia latifolia	Mountain laurel (native)
Leucothoe fontanessiana	Leucothoe
Pieris floribunda	Mountain andromeda (native)

EVERGREEN SHRUBS SUITABLE FOR SITE ELEMENT SCREENS

Pieris japonica	Japanese andromeda
Rhododendron sp.	Various large rhododendrons
Taxus sp.	Yew
Thuja sp.	Arborvitae
Viburnum rhyzidophillum	Leatherleaf viburnum

EVERGREEN TREES SUITABLE FOR PROPERTY LINE BUFFERS OR SITE ELEMENT SCREENS

Abies concolor	White fir
Cryptomeria japonica "Yoshino"	Yoshino Japanese cedar
Ilex opaca	American holly (native)
Ilex X "Nellie R. Stevens"	Nellie R. Stevens
Juniperus virginiana	Eastern redcedar - cultivars emerald sentinental
Picea abies	Norway spruce
Picea omorika	Siberian spruce
Picea pungens	Colorado spruce
Pinus strobus	White pine (native)
Pinus thunbergii	Japanese black pine
Pseudotsuga menziesii	Douglas fir
Tsuga canadensis	Canadian hemlock (native)

(Ord. 895, 2/22/1993; as amended by Ord. 1064, 3/20/2012)

§100.7. Plan Requirements.

1. Preliminary Landscape Plan.

   A. Existing Features. The location and character of existing buildings, mature trees standing alone, outer limits of tree masses and other existing vegetation, the location of floodplains, wetlands and other natural features which may affect the location of proposed streets, buildings and landscape plantings.

   B. Proposed Improvements.

(1) Approximate location of all proposed landscaping required under this Appendix.

(2) Demarcation of existing vegetation "To Remain" or "To Be Removed" and the means of protecting existing vegetation during construction.

(3) Approximate location of proposed buildings, paving, utilities or other improvements.

2. Final Landscape Plan.

A. Drafting Standards. The same standards shall be required as for a preliminary plan.

B. Information to be Shown.

(1) Plan scale, date, north arrow and location map with zoning district designations for the site and adjacent properties.

(2) Location of all existing and proposed buildings and structures.

(3) Location of all existing and proposed roads, parking, service areas and other paved areas.

(4) Location of all outside storage and trash receptacle areas.

(5) Sidewalks, berms, fences, walls, freestanding signs and site lighting.

(6) Existing and proposed underground and aboveground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. (Reference may be made to other submission drawings)

(7) All existing and proposed contours at two-foot intervals, in order to determine the relationship of planting and grading, areas with slopes in excess of three to one shall be indicated on the plan.

(8) Existing mature trees, woodland and tree masses to remain.

(9) Existing mature trees, woodland and tree masses to be removed.

(10) Location of all proposed landscaping, including required street trees, stormwater basin landscaping, parking lot landscaping, perimeter buffer and site element screen landscaping.

(11) A planting schedule listing proposed plant material, species, size, quantity and root condition.

(12) A schedule showing all ordinance landscape requirements and plantings proposed for each category.

(13) Planting details, including method of protecting existing vegetation, planting methods.

(14) Information in the form of notes or specifications concerning seeding, sodding, groundcover, mulching and the like.

(15) A detailed cost estimate shall be submitted with the public improvement escrow, showing the value of all proposed landscaping, including all labor, materials and guarantee.

C. Certificates. When approved, the landscape plan must show:

(1) The signature and seal of the registered landscape architect responsible for preparing the landscape plan and details.

(2) The signature of the subdivider, developer or builder.

(3) The signatures of the Borough Council, Engineer or Borough Landscape Architect and Planning Commission.

CHAPTER 23

SWIMMING POOLS

(Reserved to accommodate future enactments)

CHAPTER 24

TAXATION, SPECIAL

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PART 1

REAL ESTATE TAX

§24-101. Installment Payment of Taxes Authorized.

1. In addition to the methods now prescribed by law, annual taxes for general Borough purposes assessed upon real property, may hereafter be collected and paid in four periodic installments in the following manner:

   A. The first installment, being 25% of the total tax, shall be due and payable on or before September 1 and shall be delinquent on and after September 30 of each and every year.

   B. The second installment, being 25% of the total tax, shall be due and payable on or before October 1 and shall be delinquent on and after October 31 of each and every year.

   C. The third installment, being 25% of the total tax, shall be due and payable on or before November 1 and shall be delinquent on and after November 30 of each and every year.

   D. The fourth installment, being 25% of the total tax, shall be due and payable on or before December 1 and shall be delinquent on and after December 31 of each and every year.

2. To each installment, on the date when it becomes delinquent, a penalty of 5% shall be added. No discount shall be allowed upon taxes paid in installments.

(Ord. 304, 3/12/1942, §1)

§24-102. Evidence of Intent to Pay Taxes on Installment Plan; Effect of Failure to Evidence.

The payment of the first installment, by a taxpayer, before the same becomes delinquent, shall conclusively evidence an intention to pay his, her or its taxes on the installment plan as herein provided. Where a taxpayer shall fail to evidence an intention to pay on the installment plan as hereinbefore provided, his, her or its taxes shall become due and payable and be collected, under existing laws, subject to the discounts, penalties and interest provided by such laws.

(Ord. 304, 3/12/1942, §2)

§24-103. Tax Discount and Penalty Rates Established.

1. All taxpayers subject to the real estate tax levied by the Borough of Ambler shall be entitled to a discount of 2% of the amount of the tax upon making payment of the whole amount of the tax for any year within two months of the date of the original tax notice.

2. All taxpayers subject to the real estate tax levied by the Borough of Ambler who fail to make payment of any such taxes charged against them for four months after the date of the original tax notice for any year shall be charged a penalty of 10%, which penalty shall be added to the taxes by the Tax Collector and collected by him.

(Ord. 304, 3/12/1942; as added by Ord. 785, 11/21/1983)

PART 2

LOCAL SERVICES TAX

§24-201. Tax Established.

There is hereby established a tax in the Borough of Ambler known as the Local Services Tax.

(Ord. 994, 12/19/2005; as amended by Ord. 1013, 12/17/2007)

§24-202. Imposition and Rate.

Such tax is imposed upon each and every individual who is employed within the Borough of Ambler. In the event that an individual is employed in more than one municipality that collects such tax, the tax shall be imposed in accordance with the order of priority set forth in the Local Tax Enabling Act, 53 P.S. §6902(9). The rate of the tax is hereby established at $52 per annum, per employee.

(Ord. 994, 12/19/2005; as amended by Ord. 1013, 12/17/2007)

§24-203. Exemption From Payment.

Persons who earn less than $12,000 per annum in salaries, wages, commissions, or any other form of compensation are hereby exempted from the payment of all or any portion of the tax hereby adopted. The following military personnel are exempt from the Local Services Tax: members of any reserve component called to active duty and honorably discharged veterans who served in any war or armed conflict and who are either blind, paraplegic, double or quadruple amputee or 100% disabled as a result of such service. Persons who at the start of a calendar year reasonably anticipate earning less than $12,000 per year may obtain an "up front" exemption pursuant to a form to be made available by the employer and to be filed with the employer and Borough, with W-2 forms from the prior year attached. Withholding from any exempted employee must restart upon a determination from the Borough or employer that the employee has or will earn more than $12,000 for the subject year, with the next return including a "catch up" payment to bring the employee current.

(Ord. 994, 12/19/2005; as amended by Ord. 1013, 12/17/2007)

§24-204. Purpose.

Funds derived from the local services tax shall only be used for emergency services, including medical, police and fire services; road construction and maintenance; reduction

of property taxes; and, if implemented, for a homestead or farmstead exclusion. Twenty-five percent of the total revenues from the tax must be used for emergency services.

(Ord. 994, 12/19/2005; as amended by Ord. 1013, 12/17/2007)

§24-205. Collection at Source.

Each employer within the Borough of Ambler is hereby charged with the duty of collecting the said tax of $52 per year, in accordance with the terms of this Part, from each employee who engaged in an occupation, as herein defined, for the benefit of said employer or in the service of said employer within the Borough of Ambler. The tax shall be collected each pay period in an amount equal to 52 divided by the number of pay periods worked by the employee, i.e., $2 per pay period if there are 26 pay periods. Such monies shall be remitted to the Borough by the close of business on the 30th day following the end of each quarter. Self-employed persons shall submit the tax on a quarterly basis. In the case of a taxpayer who has more than one job in municipalities that each collect the tax, the priority for collection is first, where the taxpayer/employee is principally employed or has a principal office; second, where he or she lives and also works, even if it is not principal employment; and third, the municipality where the taxpayer is employed that is nearest in miles to his or her residence. In the event of any overpayment by the employer, refunds will include legal interest only when the Borough fails to make a refund within 75 days of request or January 30 of the year after the tax year in which the overpayment was made. There shall be no refunds of less than $1. Any employer who fails to collect and remit the tax shall be in violation of this Part and, upon conviction, may be ordered to pay $600 per day, plus costs, and shall be subject to imprisonment for up to 30 days. Each day of violation constitutes a separate offense.

(Ord. 994, 12/19/2005; as amended by Ord. 1013, 12/17/2007)

§24-206. Tax Collector.

The Borough Tax Collector or any agent of the Borough authorized in writing by the Tax Collector is authorized to examine the payroll and related records of any employer to verify compliance with this Part. All information reviewed by the Tax Collector or agent shall remain strictly confidential except as required to prosecute violations or as required by court order. Any person violating such confidentiality provisions is in violation of this Part and subject to the penalties set forth in §24-205.

(Ord. 994, 12/19/2005)

§24-207. Effective Date.

This Part shall be effective January 1, 2006, and the duty to collect and remit such tax shall commence that date and be applicable for 2006 and all subsequent years unless such tax is modified or abolished.

(Ord. 994, 12/19/2005)

PART 3

REALTY TRANSFER TAX

§24-301. Short Title.

This Part shall be known as the "Realty Transfer Tax Ordinance of Borough of Ambler."

(Ord. 848, 3/20/1989)

§24-302. Authority.

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within Ambler Borough regardless of where the documents making the transfer are made, executed or delivered or where the actual settlements on such transfer took place as authorized by Article XI-D, "Local Real Estate Transfer Tax," 72 P.S. §8101-D et seq.

(Ord. 848, 3/20/1989)

§24-303. Definitions.

ASSOCIATION — a partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two or more person other than a private trust or decedent's estate.

CORPORATION — a corporation, joint-stock association, business trust or banking institution which is organized under the laws of this Commonwealth, the United States or any other State, territory, foreign country or dependency.

DOCUMENT — any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include will, mortgages, deeds of trust or other instruments or like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 30 years or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under §24-402 of this Part.

FAMILY FARM CORPORATION — a corporation of which as least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing.

B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities.

C. Fur farming.

D. Stockyard and slaughterhouse operations.

E. Manufacturing or processing operations of any kind.

MEMBERS OF THE SAME FAMILY — any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing and the estate of any of the foregoing. Individuals related by the half blood or legal adoption shall be treated as if they were related by the whole-blood.

PERSON — every natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both. The term "person," as applied to associations, shall include the responsible members or general partners thereof and as applied to corporations, the officers thereof.

REAL ESTATE –

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

B. A condominium unit.

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

REAL ESTATE COMPANY — a corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, 90% or more of the ownership interest in which is held by 35 or few persons and which:

A. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate.

B. Holds real estate, the value of which comprises 90% or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on as established market.

TITLE TO REAL ESTATE –

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

B. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION — the making, executing, delivering, accepting or presenting for recording of a document.

VALUE –

A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed and ground rents or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate; provided, that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale.

B. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations.

C. In the case of an easement or other interest in real estate the value of which is not determinable under subsection (A) or (B), the actual monetary worth of such interest.

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

(Ord. 848, 3/20/1989)

§24-304. Imposition of Tax; Interest.

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

2. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by (the record/other designee) whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

3. It is the intent of this Part that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Borough Council under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate and such 1/2 rate shall become effective without any action on the part of Borough Council; provided, however, that the Borough Council and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rate to 1/2 of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.

4. Any tax imposed under this section 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.

(Ord. 848, 3/20/1989; as amended by Ord. 1003, 12/18/2008)

§24-305. Exempt Parties.

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

(Ord. 848, 3/20/1989)

§24-306. Excluded Transactions.

1. The tax imposed by §24-304 shall not be imposed upon:

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

   B. A document which the Borough Council is prohibited from taxing under the Constitution or statutes of the United States.

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

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

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

   F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced; provided, the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother and sister or spouse of a brother or sister and between a grandparent and

grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.

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

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

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

J. A transfer for no or nominal actual consideration from trustee to successor trustee.

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

L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Borough Council reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part.

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

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

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

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

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

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

S. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least 75% of each class of the stock thereof.

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

U. A transaction wherein the tax due is $1 or less.

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

2. In order to exercise any exclusion provided in this Section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Part.

(Ord. 848, 3/20/1989)

§24-307. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof.

Except as otherwise provided in §24-306 documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this Part, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

(Ord. 848, 3/20/1989)

§24-308. Acquired Company.

1. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90% or more of the total ownership interest in the company within a period of three years.

2. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Part.

3. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each County in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such County. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

(Ord. 848, 3/20/1989)

§24-309. Credits Against Tax.

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

2. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the

tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

3. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.

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

5. If the tax due upon the transfer is greater than the credit given under this Section, the difference shall be paid. If the credit allowed is greater than the amount or tax due, no refund or carryover credit shall be allowed.

(Ord. 848, 3/20/1989)

§24-310. Extension of Lease.

In determining the terms of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

(Ord. 848, 3/20/1989)

§24-311. Proceeds of Judicial Sale.

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

(Ord. 848, 3/20/1989)

§24-312. Duties of Recorder of Deeds.

1. As provided in 16 P.S. §11011-6, as amended by Act of July 7, 1983 (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to Borough Council based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania Realty Transfer Tax, without compensation from Borough Council.

2. In order to ascertain the amount of taxes due when the property is located in more than on political subdivision, the recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

3. On or before the tenth of each month, the recorder shall pay over to Borough Council all local realty transfer taxes collected less 2% for use of the County, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania Realty Transfer Tax. The 2% commission shall be paid to the County.

4. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the recorder shall rerecord the deed or record the additional realty transfer tax form only when both the State and local amounts and a rerecording or recording fee has been tendered.

5. The Recorder of Deeds is authorized to make such redeterminations and such refunds or demands for such further payments on behalf of the Borough as it deems appropriate and in arriving at such conclusions may rely solely on the decision of the Commonwealth as to such matters in the collection of the Pennsylvania Realty Transfer Tax.

(Ord. 848, 3/20/1989)

§24-313. Statement of Value.

Every document lodged with or presented to the Recorder of Deeds for recording shall set forth therein and as a part of such document the true, full and complete value thereof or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this Section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationships. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the documents and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part.

(Ord. 848, 3/20/1989)

§24-314. Civil Penalties.

1. If any part of underpayment of tax imposed by this Part is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.

2. In the case of failure to record a declaration required under this Part on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

(Ord. 848, 3/20/1989)

§24-315. Lien.

The tax imposed by this Part shall become a lien upon the lands, tenements or hereditaments or any interest therein lying, being situated, wholly or in part within the boundaries of the Borough of Ambler, which lands, tenements, hereditaments or interest therein are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Part, said lien to begin at the time when the tax under this Part is due and payable and continue until discharge by payment or in accordance with the law and the Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Montgomery County in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §7101 et seq., it supplements and amendments.

(Ord. 848, 3/20/1989)

§24-316. Enforcement.

All taxes imposed by this Part, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

(Ord. 848, 3/20/1989)

§24-317. Regulations.

The Manager of Ambler Borough is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. §8101-C et seq., are incorporated into and made a part of this Part.

(Ord. 848, 3/20/1989)

PART 4

AMUSEMENT TAX

§24-401. Short Title.

This Part shall be known and may be cited as the "Borough of Ambler Amusement Tax Ordinance."

(Ord. 779, 6/20/1983, §1)

§24-402. Definitions.

Unless otherwise expressly stated, the following terms shall have, for the purpose of this Part, the meanings herein indicated:

ADMISSION — monetary charge of any character whatever, including donations, contributions and dues or membership fees (periodical or otherwise) charged or paid for the privilege or attending or engaging in amusements as hereinafter defined. "Admission" shall not include any tax added to the charge.

AMUSEMENT — all manner and form of entertainment including, among others, the following: theatrical performance, operatic performance, carnival, circus, show, concert, lecture, sports event, vaudeville show, side show, amusement park and all forms of entertainment therein, dancing, golf, bowling, billiards or pool, athletic contests, including wrestling matches, boxing and sparring exhibitions, football, basketball and baseball games, ice skating, roller skating, tennis, hockey, bathing, swimming, archery, shooting, riding, racing and other forms of diversion, sport, pasttime or recreation, shows, exhibitions, contests, displays and games for which admission is charged or paid.

PERSON — any natural person, firm, association, co-partnership or corporation.

PRODUCER — any person, as herein defined, conducting any place of amusement as herein defined, where the general public or a limited or selected number thereof, may, upon the payment of an established price, attend or engage in any amusement.

(Ord. 779, 6/20/1983, §2)

§24-403. Imposition of Tax.

1. A tax is hereby imposed, for general revenue purposes, at the rate of 10% of the price of admission to each and every amusement within the Borough of Ambler for which the individual admission price is 10¢ or more.

2. Provided, the tax herein levied and imposed shall not be charged and collected on admissions to motion picture exhibitions and sound motion picture exhibitions, having no form of live entertainment, vaudeville or theatrical performance in connection therewith, for so long as the charge and collection of such tax is prohibited by the Local Tax Enabling Act or other applicable law. In the event such prohibition shall cease, the tax herein levied shall be so collected and charged.

3. Provided further, the tax herein levied and imposed shall not be charged and collected on the monetary charge paid by any bona fide student in a public school or college for the privilege of attending amusements conducted or participated in by such school or college.

4. Provided further, the tax levied and imposed shall not be charged and collected on the amount paid for admission to any form of entertainment accompanying or incidental to the serving of food or drink or the sale of merchandise, where the charge for admission is wholly included in the price paid for food, refreshment or merchandise, and the price for food, refreshment or merchandise is not increased during the time when such entertainment is offered. In the event that the price of such food, refreshment or merchandise is increased during such times as the entertainment is offered, then such increase in the price as is paid by one purchasing such food, refreshment or merchandise shall be deemed to be an admission.

5. Provided further, the tax herein levied and imposed shall not be charged and collected on admissions to any form of entertainment, regardless of the nature thereof, where the proceeds thereof, after payment of reasonable expenses, inure exclusively (1) to the benefit of any charitable organization or any religious organization whose status is evidenced by proof of Internal Revenue Service tax exemption, or (2) to the benefit of any volunteer fire company of the Borough of Ambler.

(Ord. 779, 6/20/1983, §3)

§24-404. Rate of Tax.

1. Where the price is fixed or established, the tax shall be collected on each admission of 10¢ or more according to the following table:

Price	Tax
1¢ to 9¢	None
10 to 19¢	1¢
20¢ to 29¢	2¢
30¢ to 39¢	3¢
30¢ to 49¢	4¢
50¢ to 59¢	5¢

Price	Tax
60¢ to 69¢	6¢
70¢ to 79¢	7¢
80¢ to 89¢	8¢
90¢ to 99¢	9¢

2. If the price is $1 or more, the tax hereby imposed shall be 10% of each dollar or price plus the following additional charges upon any fraction part of a dollar in excess of even dollar amounts:

Price	Tax
1¢ to 9¢	None
10¢ to 19¢	1¢
20¢ to 29¢	2¢
30¢ to 39¢	3¢
40¢ to 49¢	4¢
50¢ to 59¢	5¢
60¢ to 69¢	6¢
70¢ to 79¢	7¢
80¢ to 89¢	8¢
90¢ to 99¢	9¢

3. Where the price is not fixed or established, the tax shall be collected based upon the gross admissions collected.

(Ord. 779, 6/20/19983, §4)

§24-405. Permits and Fees.

1. On and after September 1, 1983, any person desiring to conduct, or to continue to conduct, any amusement within the Borough of Ambler, Montgomery County, Pennsylvania, shall before conducting the same file with the Borough an application on a form to be furnished by the Borough, for an annual amusement permit or a temporary amusement permit, as the case may be, and shall pay the fee for such permit required by this Section. In the case of any amusement that is to continue for longer than 30 days, an annual amusement permit shall be issued at a fee of no charge. In the case of any amusement that is to continue for a period of 30 days or less, a temporary permit shall be issued at a fee of no charge.

2. Annual permits shall expire on December 31 of the year in which issued. Temporary permits shall be valid until the last day the amusement is conducted, but not exceeding 30 days from date of issue. The permit application shall provide the following information:

   A. Whether a temporary or a permanent permit.

   B. The name and address of the person receiving the permit.

   C. The location of the amusement covered by the permit.

   D. The type of amusement.

   E. The period for which the permit is issued.

   F. The number of the permit.

   G. The date when the permit is issued.

   H. The signature of the applicant.

3. Every permit shall be issued in duplicate. The original shall be given to the person applying for the permit and the duplicate shall be kept on file by the Borough.

4. In case of the loss, defacement or destruction of any permit, the person to whom the permit was issued shall apply to the Borough for reissuance.

(Ord. 779, 6/20/1983, §5)

§24-406. Collection and Payment.

1. Producers shall collect the tax imposed by this Part and shall be liable to the Borough of Ambler, Montgomery County, Pennsylvania, or agents thereof, for the payment of same into the Borough treasury, as hereinafter provided in this Part.

2. Where permits are obtained for conducting temporary amusements by persons who are not the owners, lessees, or custodians of the place where the amusements are to be conducted, or where the temporary amusement is permitted by the owner, lessee or custodian of the place where the amusements are to be conducted, or where the temporary amusement's permitted by the owner, lessee or custodian of any place to be conducted without the procurement of a permit or permits required by this Part, the tax imposed by this Part shall be paid by the owner, lessee or custodian of such place where such temporary amusement is held or conducted unless paid by the producer conducting the amusement.

(Ord. 779, 6/20//1983, §6)

§24-407. Reports by Permit Holders; Daily Payments by Temporary Permit Holders.

1. Every holder of a permanent permit shall, on or before the last day of every calendar month, transmit to the Borough a report under oath or affirmation, on a form to be furnished by the Borough, of the total amount of admissions charged and collected by him during the last preceding calendar month and of the total amount of tax due thereon under this Part, and at the same time shall pay over to the Borough the entire amount of said tax.

2. Every holder of a temporary permit shall, at the close of each day on which the amusement is held, pay over to the Borough the amount of tax due under this Part from such person upon admissions charged or collected for such day and at the same time shall submit to the Borough a report on the form to be furnished by the Borough of the total admissions charged or collected on such day and the total amount of tax due under this Part, on such admissions. On the day of expiration of such temporary permit, the person to whom such permit is issued, shall, in addition, submit to the Borough a report on a form to be furnished by the Borough, under oath or affirmation, of all admissions charged or collected during the period in which such temporary permit was in effect and of all taxes due, and the same time pay over to the Borough the entire amount of all taxes due and remaining unpaid.

3. Provided, that any holder of a temporary permit who is a resident of the Borough of Ambler, Montgomery County, Pennsylvania, or who has a permanent place of business therein, may submit the reports hereinabove required of the holder of a temporary permit on the day following the days hereinabove specified.

4. Provided, that in every case, the Borough shall furnish to the person paying any tax levied under this Part a receipt for the payment of such tax.

(Ord. 779, 6/20/1983, §7)

§24-408. Penalties Added to Unpaid Tax.

If any report required to be filed in pursuance of this Part shall not be filed within the prescribed time, or if any tax levied in pursuance of this Part shall not be paid when due, a penalty of 10% of the amount of the tax due and unpaid shall be added thereto, if the failure to file the return or to pay the tax is for not more than 30 days, with an additional 10% for each additional 30 days, or fraction thereof, during which failure continues, not to exceed 25% of the aggregate.

(Ord. 779, 6/20/1983, §8)

§24-409. Records to be Kept; Confidential Information.

1. Every person required by the provisions of this Part to pay to the Borough of Ambler, Montgomery County, Pennsylvania, any tax on admissions must keep or cause to be kept an accurate record of admissions and reduced rate of admissions. The records must show as to each class of admissions:

   A. All figures and other information necessary to determine the amount of tax due.

   B. The amount of tax due.

2. The records must be kept on file at the place of business or at some other convenient location, and shall be available for inspection by the Borough or its designee.

3. Such records shall contain sufficient information to enable the Borough or its designee to determine whether the correct amount of tax has been paid.

4. Any information gained by the Borough or its designee as a result of any reports or investigations required or authorized by this Part shall be confidential, except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law. Any divulgence of any such information so gained is hereby declared to be a violation of this Part.

(Ord. 779, 6//20/1983, §9)

§24-410. Verification of Reports.

The Borough or its designee is hereby authorized to examine any relevant books, papers and records of any person required under this Part to secure a permit, in order to verify the accuracy of any report made or to ascertain and assess the tax imposed by this Part.

(Ord. 779, 6//20/1983, §10)

§24-411. Assessment of Tax by Borough; Appeals.

1. If any person required to secure a permit under this Part shall fail to file a report at the time stipulated by this Part or shall file a report which on the face appears inaccurate, incorrect or incomplete, the Borough shall make an assessment of such tax, or any deficiency thereof, against such person of the amount of the tax or deficiency, for which such person is liable, or appears to be liable, to which such assessment the penalties herein provided shall be added, and the aggregate amount so obtained shall be the basis of taxation.

2. After such assessment, the Borough shall give written notice of such assessment to the person liable for the tax imposed thereby. Such assessment shall finally and irrevocably fix and determine the tax due unless such person shall appeal in writing to the Borough for a hearing within 30 days of the date of such notice. Such

hearing by the Borough shall be held within 30 days of the request for hearing. Any person aggrieved by any decision of the Borough shall have the right of appeal to the Court of Common Pleas of Montgomery County within 30 days from the date of such decision: provided, however, that such appeal shall not act as a supersedeas unless specifically allowed by the Court. Promptly upon the filing of such appeal, the petitioner shall serve a copy of the petition therefor and any rule granted by the Court upon the Borough.

(Ord. 779, 6//20/1983, §11)

§24-412. Recovery of Tax.

All taxes imposed by this Part, together with all penalties, shall be recoverable by the Borough of Ambler as other debts of like amounts are recoverable.

(Ord. 779, 6/20/1983, §12)

§24-413. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 779, 6/20/1983, §13; as amended by Ord. 785, 11/21/1983; and by Ord. 991, 8/15/2005)

PART 5

EARNED INCOME AND NET PROFITS TAX

§24-501. Definitions.

All terms defined in the Local Tax Enabling Act 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.

ENACTMENT — this Part 5.

GOVERNING BODY — Ambler Borough Council.

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 — Ambler Borough.

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.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-502. Imposition of Tax.

1. General Purpose Resident Tax. The taxing authority hereby imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits of individual residents of the taxing authority.

2. General Purpose Municipal Nonresident Tax. The taxing authority also imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits derived by an individual who is not a resident of the taxing authority from any work, business, profession, or activity of any kind engaged in within the boundaries of the taxing authority.

3. Ongoing Tax. The tax shall continue at the above rates during the current tax year and each tax year thereafter, without annual reenactment, until this enactment is repealed or the rate is changed.

4. Combined Tax Rate Applicable to Residents. Currently, the total rate applicable to residents of the taxing authority, including the tax imposed by the school district and municipality in which the individual resides, is 1%. Ambler, by this Part 5, enacts a one-percent earned income tax but presently will collect only 1/2 of 1%, in consideration of the school district collecting 1/2 of 1%, for an aggregate total of 1%.

5. Municipal Tax Rate Applicable to Nonresidents. Currently, the total rate applicable to nonresidents working within the taxing authority based on the municipal nonresident tax rate is 1%.

6. 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.A. § 1937.

7. Applicable Laws, Regulations, Policies, and Procedures. The tax shall be collected and administered in accordance with: all applicable laws and regulations; and 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.A. § 1937.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-503. Exemption From Tax for Individuals Under Age 16.

1. This governing body finds that:

   A. Minors of various age groups have traditionally, and with judicial sanction, been considered as comprising separate classes for many legislative purposes; and

B. Minors under the age of 16 are generally unemancipated and subject to compulsory school attendance and child labor laws and therefore have limited earned income and net profits and control of money such that enforcement of reporting and collection of the tax hereunder against them would yield inconsequential amounts and be unduly difficult, expensive, and not in the public interest.

2. For these reasons, individuals under the age of 16 years are exempt from liability for the tax.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-504. Individual Tax Returns and Payments.

Every individual receiving earned income or earning net profits in any tax year shall file tax returns and pay the tax in accordance with the Local Tax Enabling Act.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-505. 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.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-506. Tax Collector.

The tax will be collected from individuals and employers by the collector.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-507. 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.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-508. Severability.

The provisions of this enactment are severable; and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this enactment. It is declared to be the intention of the governing body that this enactment would have been adopted if such invalid or unconstitutional provision had not been included.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-509. Purpose; Amendment and Restatement; Effect on Prior Actions.

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 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.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

§24-510. Adoption; Effective Date.

This enactment is adopted and enacted September 20, 2011, and to become effective January 1, 2012.

(Ord. 858, 9/17/1990; as amended by Ord. 908, 11/30/1994; and by Ord. 1060, 9/20/2011)

PART 6

BUSINESS PRIVILEGE AND MERCANTILE TAX

§24-601. Establishment.

There is hereby established a Business Privilege and Mercantile Tax.

(Ord. 1051, 12/7/2010)

§24-602. Applicability.

The tax is imposed upon the conduct of any trade, profession, occupation, business or commercial activity, or the sale of merchandise or other tangible goods, the sale of real estate, or the rental of real estate or personal property; provided, however, that the tax does not apply to any type of business that is exempted from taxation pursuant to the Pennsylvania Local Tax Enabling Act or cases interpreting it.

(Ord. 1051, 12/7/2010)

§24-603. Imposition of Tax.

The tax shall be imposed upon every person doing business in the Borough. For purposes of this Part, "person" includes partnerships, limited partnerships, corporations, and any other recognized legal entity. If a person engages in more than one business within the Borough, the tax shall be imposed once upon each business. For purposes of this Part, the determination whether a person operates more than one business shall be made with reference to, but not necessarily limited to, whether the businesses are conducted at different locations; whether they utilize the same name; whether they are different in the nature of the business activity; whether they file separate tax returns; whether they utilize the same or different employees. By way of example and not limitation, a person that owns a restaurant and a hardware store would pay the tax once on each business, while a person that limits its business activity to the ownership of real estate rentals would pay once for that business even if it involved the ownership of multiple units.

(Ord. 1051, 12/7/2010)

§24-604. Location of Business.

The tax established herein is imposed upon the privilege of doing business within the Borough and does not require for its imposition that the taxpayer have a fixed office or base of operations within the Borough. The tax may be imposed more than once on activity at a particular address in the Borough if separate businesses are being run there.

(Ord. 1051, 12/7/2010)

§24-605. Rate of Tax.

The rate of the tax is hereby established at $240 per year per taxable entity. This is a flat rate tax, the liability for which is unrelated to the revenues of the business.

(Ord. 1051, 12/7/2010)

§24-606. Collection; When Due; Penalty.

The tax will be collected by the Borough or any person or entity designated by the Borough as having the authority to collect it on the Borough's behalf. The tax is due in its entirety 30 days from the date of billing or for new businesses within 30 days of the commencement of business. Any person that fails to timely pay or to challenge the applicability of the tax within the thirty-day period is subject to a fine in the amount of $100 as well as the costs of collection.

(Ord. 1051, 12/7/2010)

CHAPTER 25

TREES

PART 1

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§25-102. Trimming of Branches to Minimum Height of More than 10 Feet
§25-103. Trimming of Trees to Occupy No More than 1/3 Width of Street and the Removal of Dead Branches and Trees
§25-104. Notice to Trim Trees; Authority for Borough to Do Work and Collect Costs and Additional Charge
§25-105. Permit Required to Plant Tree Between Curb and Sidewalk
§25-106. Trees not to Interfere with Utility Lines
§25-107. Penalties

PART 1

TRIMMING/PLANTING OF TREES

§25-101. Trees not to Obstruct Street Lights; Minimum Clearance of Branches.

From and after the passage of this Part, no trees located on the sidewalks of the streets, roads and alleys of the Borough of Ambler shall be allowed to unnecessarily obstruct the light of any of the street lamps of the Borough and all trees so located shall be trimmed close to the trunks up at least 10 feet from the ground or sidewalk, unless on account of the smallness of the tree or trees the Street Commissioner of the said Borough may otherwise order.

(Ord. 215, 7/1/1929, §1)

§25-102. Trimming of Branches to Minimum Height of More than 10 Feet.

The Borough Superintendent, at his discretion, may cause mature trees on sidewalks to be trimmed so that no part of any of the branches thereof shall be less than a height designated by him exceeding 10 feet above the sidewalk, such trees being those of great height which can advantageously be trimmed in such a manner.

(Ord. 215, 7/1/1929, §2; as amended by Ord. 397, 3/11/1957, §1)

§25-103. Trimming of Trees to Occupy No More than 1/3 Width of Street and the Removal of Dead Branches and Trees.

The owners of all trees on the sidewalks and along the streets and alleys in the Borough shall trim such trees in such a manner that the branches thereof shall not project beyond, extend into or occupy, at any height whatever, more than 1/3 of the width of any street or alley, from the curb line to curb line or less on account of the size or location of any tree an exception is made by the Borough Superintendent. Further, all dead limbs and trees shall be removed forthwith without the necessity of any order.

(Ord. 215, 7/1/1929, §3; as amended by Ord. 397, 3/11/1957, §2; and by Ord. 870, 8/19/1991, §1)

§25-104. Notice to Trim Trees; Authority for Borough to do Work and Collect Costs and Additional Charge.

It shall be the duty of the Borough Superintendent to give notice to all owners, on or upon the sidewalk abutting whose property any tree or trees may stand which are not in conformity with all the requirements of the first, second and third Sections of this Part, to have the same properly trimmed. Such notice shall be served upon the owner or own-

ers by any one of the Policemen of the Borough. If any party so notified shall neglect or refuse to conform to the requirements of such notice, the Borough shall cause such tree or trees to be trimmed agreeably to the provisions of this Part at the cost of such owner or owners, with 10% added, to be collected according to law.

(Ord. 215, 7/1/1929, §4; as amended by Ord. 397, 3/11/1957, §3)

§25-105. Permit Required to Plant Tree Between Curb and Sidewalk.

No person, firm or corporation shall plant any tree between the curb and sidewalk on any street in the Borough of Ambler, without first filing an application and procuring a permit from the Borough Superintendent.

(Ord. 215, 7/1/1929; as added by Ord. 376, 10/11/1955, §1)

§25-105. Trees not to Interfere with Utility Lines.

No trees shall be planted between the curb and sidewalk on any streets in the Borough of Ambler, where said planting will interfere with the operation or maintenance of a utility line located thereunder.

(Ord. 215, 7/1/1929; as added by Ord. 376, 10/11/1955, §2)

§25-106. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced t pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 215, 7/1/1929, as added by Ord. 376, 10/11/1955, §3; as amended by Ord. 408, 3/11/1957, §1; by Ord. 785, 11/21/1983; and by A.O.

CHAPTER 26

WATER

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PART 1

RATES AND REGULATIONS FOR WATER SERVICE

§26-101. Schedule of Water Rates.

1. The schedule of water rates applicable to all types of domestic, commercial, industrial and public customers within the Borough of Ambler shall be as follows:

METER SERVICE RATE SCHEDULE AMBLER BOROUGH

Applicable for all metered services to domestic, commercial, industrial and public customers in the Borough of Ambler.

SINGLE POINT SERVICE

The customer charge and consumption charge is applied based upon the applicable meter size and total consumption as recorded by the single meter regardless of the number of units, with the rate as noted applicable to the gallons of the total consumption. Note: (I) indicates increase; (C) indicates change; (NC) indicates no change.

Customer Charge

Each customer shall be billed the monthly or quarterly customer charge set forth below based on the size of the meter installed to service the customer.

Meter Size (inches)	Per Month (I)(C)	Per Quarter (I)(C)
5/8	$3.31	$9.93
3/4	$3.89	$11.63
1	$4.71	$14.12
1 1/2	$9.92	$29.73
2	$13.60	$40.79
3	$41.66	$124.98
4	$103.98	$311.94
6	$163.47	$490.38
8	$215.66	$646.98
10	$284.18	$852.53

Meter Size (inches)	Per Month (I)(C)	Per Quarter (I)(C)
12	$374.46	$1,123.38

Consumption Charge

This rate will apply for all consumption including customers taking "Single Point Service" at a building housing two or more (multiple) dwelling units.

Block	Gallons in Blocks		Rate per 1,000 Gallons (I)(C)
	Month	Quarter	
First	36,667	110,000	$3.5518
Next	33,333	100,000	$3.1119
All over	70,000	210,000	$2.9026

FIRE PROTECTION SERVICE

Applicable for hydrants furnished and maintained by the Borough of Ambler Water Department to individual customers located within the limits of Ambler Borough. Meters for private fire service will be furnished and maintained by the Borough of Ambler Water Department. Meters will be set in vaults constructed from masonry materials with drainage capability on the property of the customer. The vaults are to be constructed and maintained at the expense of the customer. Note: (I) indicates increase; (C) indicates change; (NC) indicates no change.

Fire Protection Service	Rates Per		
	Month	Quarter	Annum
Public - Per Hydrant (applicable to all hydrants in the Borough)	$12.17 (NC)	$36.51	$146.05(NC)
Private - Per Hydrant	$43.47 (I)(C)	$107.18	$521.65 (I)(C)

For each service line of the sizes stated below connected to mains of the Borough of Ambler's water system located within the Borough limits, the following rates apply. Note: (I) indicates increase; (C) indicates change; (NC) indicates no change.

Fire Protection Service	Rates Per (I)(C)		
	Month	Quarter	Annum
Sprinkler System – 1-inch	$12.43	$37.31	$149.24
Sprinkler System – 2-inch	$26.10	$78.32	$313.25

Fire Protection Service	Rates Per (I)(C)		
	Month	Quarter	Annum
Sprinkler System – 4-inch	$32.82	$98.47	$393.94
Sprinkler System – 6-inch	$43.47	$130.41	$521.65
Sprinkler System – 8-inch	$70.92	$212.76	$851.05
Sprinkler System – 10-inch	$93.79	$281.34	$1,125.34
Sprinkler System – 12-inch	$119.66	$358.98	$1,435.90

Fire Protection Service	Rates Per (I)(C)		
	Month	Quarter	Annum
Standby Connections – 1-inch	$12.43	$37.31	$149.24
Standby Connections – 2-inch	$26.10	$78.32	$313.25
Standby Connections – 4-inch	$32.82	$98.47	$393.94
Standby Connections – 6-inch	$43.47	$130.41	$521.65
Standby Connections – 8-inch	$70.92	$212.76	$851.05
Standby Connections – 10-inch	$93.79	$281.34	$1,125.34
Standby Connections – 12-inch	$119.66	$358.98	$1,435.90

DOMESTIC MULTIPLE METER SETS

Where two meters serve a domestic premise from a single service and one meter is for normal domestic service and the second meter is for fire protection service, charges will be based on the customer charge applicable to the smaller of the two meters plus the applicable fire protection domestic multiple meter set size charge. The maximum size meter, in the instance of fire protection domestic multiple meter sets shall be two inches. Note: (I) indicates increase; (C) indicates change; (NC) indicates no change.

Domestic Multiple Meter Sets	Rates Per (I)(C)		
	Month	Quarter	Annum
1-inch	$12.43	$37.31	---
2-inch	$26.10	$78.32	---

(Ord. 983, 12/15/2003, §2; as amended by Ord. 1035, 3/17/2009)

§26-102. Rules and Regulations Adopted.

There are hereby adopted as the rules and regulations governing the furnishing of water service to customers located within the Borough of Ambler the same rules which were approved by order of the Public Utility Commission, dated November 9, 1995.

(Ord. 917, 12/26/1995, §2)

§26-103. Effective Date.

The effective date of this Part shall be the same as the effective date of the approval of the same rate schedule, by the Pennsylvania Public Utility Commission, applicable to water customers outside the Borough of Ambler, which schedule became effective by order of the Commission on January 1, 1996, as to the rates and on November 9, 1995, as to the rules and regulations.

(Ord. 917, 12/26/1995, §3)

PART 2

WATER CONSERVATION

§26-201. General Policy.

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way and for which construction a permit is required to be obtained from Ambler Borough unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §26-202 of this Part. The provisions of this Part shall apply to any such building or structure for which such a building permit is issued or would otherwise be required to be issued but for such an exemption, on or after July 15, 1991.

(Ord. 865, 7/15/1991, §1)

§26-202. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.

1. Water Closets and Associated Flushing Mechanisms. The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A122.19.2M and ANSI A112.19.6M.

2. Urinals and Associated Flushing Mechanisms. Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures fro 20 to 80 psi. The fixtures shall permit in accordance with the test requirements of ANSI A122-19.2M and ANSI A112.19.6M.

3. Showerheads. Shower discharge rates shall not exceed three gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A122.18.1M.

4. Faucets. Sink and lavatory faucet discharge rates shall not exceed three gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

(Ord. 865, 7/15/1991, §2)

§26-203. Special Provisions.

1. Special Purpose Equipment. The performance standards of §26-202 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.

2. Exemptions. Any person(s) may apply to the Borough of Ambler for an exemption to the terms of this Part, which may be granted by the Borough Council, upon proof that some other device, system or procedure will save as much or more water as those set forth herein of that those set forth herein cannot be complied with, without undue hardship.

(Ord. 865, 7/15/1991, §3)

§26-204. Official Review and Modification.

The Borough Council may, from time to time, modify, add to or remove from the standards and restrictions herein.

(Ord. 865, 7/15/1991, §4)

§26-205. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall be construed as a separate offense.

(Ord. 865, 7/15/1991, §6; as amended by A.O.

PART 3

DRAINAGE

§26-301. Responsibility for Keeping Streams and Watercourses Open.

All owners and occupiers of property within the Borough of Ambler, through whose property flow streams or watercourses, are required to remove from the beds of such streams or watercourses, and thereafter to keep free from same, all trash, debris, or other structures or things which impede the flow of water through the said streams or watercourses.

(Ord. 488, 9/10/1962, §1)

§26-302. Notice to Remove Nuisances from Streams and Watercourses; Authority for Borough to Do Work and Collect Cost and Additional Amount.

The Borough Council or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice by personal service or by United States mail to the owner or occupant, as the case may be, of any premises through which the free passage of water in a stream or watercourse is prevented by reason of the accumulation of junk, debris or other structures or things, in violation of the provisions of the first section of this Part, directing and requiring such owner or occupant to remove said nuisance so as to conform to the requirements of this Part within five days after issuance of such notice. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove such junk, debris, structures or things, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Borough from such person, firm or corporation, in the manner provided by law.

(Ord. 488, 9/10/1962, §2)

§26-303. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 488, 9/10/1962, §3; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 4

STORMWATER MANAGEMENT

A. General Provisions.

§26-401. Short Title.

This Part shall be known and may be cited as the "Ambler Borough Stormwater Management Ordinance."

(Ord. 984, 2/17/2004, Art. I, §101)

§26-402. Statement of Findings.

The Borough Council of the Borough of Ambler finds that:

A. Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and velocities, which overtax the carrying capacity of existing streams and storm sewers, and greatly increases the cost to the public to manage stormwater.

B. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.

C. A program of stormwater management, including reasonable regulation of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare and the protection of the people of the Borough of Ambler and all the people of the Commonwealth, their resources and the environment.

D. Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.

E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.

F. Federal and State regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

G. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Borough of Ambler.

(Ord. 984, 2/17/2004, Art. I, §102)

§26-403. Purpose.

The purpose of this Part is to promote health, safety and welfare within the Borough of Ambler and its watershed by minimizing the harms and maximizing the benefits described in §26-402 of this Part, through provisions designed to:

A. Manage stormwater runoff impacts at their source by regulating activities that cause the problems.

B. Provide review procedures and performance standards for stormwater planning and management.

C. Utilize and preserve the existing natural drainage systems as much as possible.

D. Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.

E. Focus on infiltration of stormwater, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.

F. Maintain existing flows and quality of streams and watercourses.

G. Meet legal water quality requirements under State law, including regulations at Pa. Code Chapter 93.4a to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams and to protect and maintain water quality in "special protection" streams.

H. Prevent scour and erosion of stream bands and streambeds.

I. Provide for proper operations and maintenance of all permanent stormwater management BMPs that are implemented in the Borough of Ambler.

J. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.

K. Implement an illegal discharge detection and elimination program to address non-stormwater discharges into the Borough of Ambler's separate storm sewer system.

(Ord. 984, 2/17/2004, Art. I, §103)

§26-404. Statutory Authority.

The Borough of Ambler is empowered to regulate land use activities that affect stormwater impacts by the authority of the Municipalities Planning Code.

(Ord. 984, 2/17/2004, Art. I, §104)

§26-405. Applicability.

1. This Part applies to any regulated earth disturbance activities within the Borough of Ambler, and all stormwater runoff entering into the Borough of Ambler's separate storm sewer system from lands within the boundaries of the Borough of Ambler.

2. Earth disturbance activities and associated stormwater management controls are also regulated under existing State law and implementing regulations. This Part shall operate in coordination with those parallel requirements; the requirements of this Part shall be no less restrictive in meeting the purposes of this Part than State law.

3. Any earth disturbance activity on a parcel of land where the area being disturbed is at least 4,000 square feet or more.

(Ord. 984, 2/17/2004, Art. I, §105)

§26-406. Severability.

In the event that any Section or provision of this Part is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Part.

(Ord. 984, 2/17/2004, Art. I, §107)

§26-407. Compatibility With Other Requirements.

1. Approvals issued and actions taken under this Part do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated

by any other code, law, regulation or ordinance. To the extent that this Part imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Part shall be followed.

2. Nothing in this Part shall be construed to affect any of the Borough of Ambler's requirements regarding stormwater matters which do not conflict with the provisions of this Part, such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this Part addressing State Water Quality Requirements.

(Ord. 984, 2/17/2004, Art. I, §108)

B. Definitions.

§27-411. Definitions.

For the purposes of this Part, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.

B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.

C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

ACCELERATED EROSION — the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

APPLICANT — a landowner, developer or other person who has filed an application for approval to engage in any regulated earth disturbance activity at a project site in the Borough of Ambler.

BOROUGH of AMBLER — Ambler Borough, Montgomery County, Pennsylvania

BMP (Best Management Practice) — activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Part. BMPs include, but are not

limited to, infiltration, filter strips, low impact design, bio-retention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

CONSERVATION DISTRICT — the Montgomery County Conservation District.

DEP — the Pennsylvania Department of Environmental Protection.

DEVELOPER — a person that seeks to undertake any regulated earth disturbance activities at a project site in the Borough of Ambler.

DEVELOPMENT — see "Earth Disturbance Activity," The term includes redevelopment.

DEVELOPMENT SITE — the specific tract of land where any earth disturbance activities in the Borough of Ambler are planned, conducted or maintained.

DISCHARGE — the outflow of water, silt or other mobile substances passing along a conduit, watercourse or channel or released from any type of detention or stormwater management feature.

EARTH DISTURBANCE ACTIVITY — a construction or other human activity which disturbs the surface of the land including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

EROSION — the process by which the surface of the land, including channels, is worn away by water, wind or chemical action.

EROSION and SEDIMENT CONTROL PLAN — a plan for a project site which identified BMPs to minimize accelerated erosion and sedimentation.

FILL — any earth disturbance activity resulting in a difference between any given point on the original ground level and the same point on the final ground level once the earth disturbance activity has been completed, wherein the final ground level is at a higher elevation than the original ground level.

GROUNDWATER RECHARGE — replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE — a surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

NPDES — National Pollutant Discharge Elimination System, the Federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

OUTFALL — "point source" as described in 40 CFR §122.2 at the point where the Borough of Ambler's storm sewer system discharges to surface waters of the Commonwealth.

PERSON — an individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

POINT SOURCE — any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pa. Code §92.1

PROJECT SITE — the specific area of land where any regulated earth disturbance activities in the Borough of Ambler are planned, conducted or maintained.

REDEVELOPMENT — earth disturbance activities on land which has previously been disturbed or developed.

REGULATED EARTH DISTURBANCE ACTIVITY — earth disturbance activity one acre or more with a point source discharge to surface waters of the Borough of Ambler's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving 25 acre or more or earth disturbance.

ROAD MAINTENANCE — earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

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

SLOPE — the degree of deviation of a surface plane from the horizontal, usually expressed in percentage, as derived by dividing the vertical distance by the horizontal distance over which the vertical change is measured, e.g., 25% equal 25 vertical: 100 feet horizontal. A steep slope shall be considered any "slope" with a deviation of 25% or more.

STATE WATER QUALITY REQUIREMENTS — as defined under State regulations, protection of designated and existing uses (see 25 Pa. Code Chapters 93 and 96), including:

A. Each stream segment in Pennsylvania has a "designated use," such as "cold water fishery" or "potable water supply," which are listed in Chapter 93. These uses must be protected and maintained, under State regulations.

B. "Existing uses" are those attained as of November, 1975, regardless whether they have been designated in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.

C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

STORMWATER — the surface runoff generated by precipitation reaching the ground surface.

STORMWATER MANAGEMENT SYSTEM — the facilities used for conducting the stormwater to, through or from a drainage area to the point of final outlet including, but not limited to, any of the following:

A. Pipes.

B. Conduits and appurtenant features.

C. Channels.

D. Swales.

E. Ditches.

F. Streams.

G. Culverts.

H. Pumping stations.

I. Ponds.

J. Basins.

K. Other stormwater control/quality facilities.

SURFACE WATERS of the COMMONWEALTH — any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

WATERCOURSE — a channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED — region or area drained by a river, watercourse or other body of water, whether natural or artificial.

(Ord. 984, 2/17/2004, Art. II,)

C. Stormwater Management for Water Quality.

§26-421. General Requirements for Stormwater Management.

1. All regulated earth disturbance activities within the Borough of Ambler shall be designed, implemented, operated and maintained to meet the purposes of this Part, through these two elements:

   A. Erosion and sediment control during the earth disturbance activities (e.g., during construction); and

   B. Water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.

2. No regulated earth disturbance activities within the Borough of Ambler shall commence until the requirements of this Part are met.

3. Erosion and sediment control during regulated earth disturbance activities shall be addressed as required by §26-423.

4. Post-construction water quality protection shall be addressed as required by §26-424. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by subpart D.

5. All Best Management Practices (BMPs) used to meet the requirements of this Part shall conform to the State Water Quality Requirements, and any more stringent requirements as determined by the Borough of Ambler.

6. Techniques described in Appendix "A" (Low Impact Development) of this Part are encouraged, because they reduce the costs of complying with the requirements of this Part and the State Water Quality Requirements.

(Ord. 984, 2/17/2004, Art. III, §301)

§26-422. Permit Requirements by Other Government Entities.

The following permit requirements may apply to certain regulated earth disturbance activities and must be met prior to commencement of regulated earth disturbance activities, as applicable:

A. All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.

B. Work within natural drainage ways subject to permit by DEP under 25 Pa. Code Chapter 105.

C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.

D. Any stormwater management facility that would be located on a State highway right-of-way, or require access from a State highway, shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

(Ord. 984, 2/17/2004, Art. III, §302)

§26-423. Erosion and Sediment Control During Regulated Earth Disturbance Activities.

1. No regulated earth disturbance activities within the Borough of Ambler shall commence until approval by the Borough of Ambler of an Erosion and Sediment Control Plan for construction activities. Where a regulated earth disturbance activity is in connection with a subdivision or land development, compliance with this Part shall be a component part of the subdivision or land development application. Where the regulated earth disturbance activity is unrelated to a land development or subdivision, application shall be made directly to the Borough and shall be decided upon by Borough Council after consultation with professional staff.

2. DEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code §102.4(b).

3. In addition, under 25 Pa. Code Chapter 92, a DEP "NPDES Construction Activities" permit is required for regulated earth disturbance activities.

4. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Borough of Ambler. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2) satisfies the requirements in subsection (1)).

5. A copy of the Erosion and Sediment Control Plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

(Ord. 984, 2/17/2004, Art. III, §303)

§26-424. Water Quality Requirements After Regulated Earth Disturbance Activities Are Complete.

1. No regulated earth disturbance activities within the Borough of Ambler shall commence until approval by the Borough of Ambler of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.

2. The BMPs must be designed, implemented and maintained to meet State Water Quality Requirements, and any other more stringent requirements as determined by the Borough of Ambler.

3. To control post-construction stormwater impacts from regulated earth disturbance activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in DEP Comprehensive Stormwater Management Police (#392-0300-002, September 28, 2002), this may be achieved by the following:

   A. Infiltration. Replication of pre-construction stormwater infiltration conditions;

   B. Treatment. Use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff; and

   C. Stream-Bank and Streambed Protection. Management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).

4. DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices (BMPs) that control runoff from

new development and redevelopment after regulated earth disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.

5. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office must be provided to the Borough of Ambler. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of subsection (1).

6. BMP operations and maintenance requirements as described in subpart D of this Part.

(Ord. 984, 2/17/2004, Art. III, §304)

D. Stormwater BMP Operations and Maintenance Plan Requirements.

§26-431. General Requirements.

1. No regulated earth disturbance activities within the Borough of Ambler shall commence until approval by the Borough of Ambler of BMP Operations and Maintenance Plan which describes how the permanent (e.g., post-construction) stormwater BMPs will be properly operated and maintained.

2. The following items shall be included in the BMP Operations and Maintenance Plan:

   A. Map(s) of the project area, in a form that meets the requirements for recording at the Office of the Recorder of Deeds of Montgomery County, and shall be submitted on a 24 inch by 36 inch or 30 inch by 42 inch sheets. The contents of the map(s) shall include, but not be limited to:

      (1) Clear identification of the location and nature of permanent stormwater BMPs.

      (2) The location of the project site relative to highways, municipal boundaries or other identifiable landmarks.

      (3) Existing and final contours at intervals of two feet, or others as appropriate.

      (4) Existing streams, lakes, ponds or other bodies of water within the project site area.

(5) Other physical features, including flood hazard boundaries, sinkholes, streams, existing drainage courses and areas of natural vegetation to be preserved.

(6) The locations of all existing and proposed utilities, sanitary sewers and water lines within 50 feet of property lines of the project site.

(7) Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.

(8) Proposed final structures, roads, paved areas and buildings; and

(9) A 15 foot wide access easement around all stormwater BMPs that would provide ingress to and egress from a public right-of-way.

B. A description of how each permanent stormwater BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance.

C. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the plan; and

D. A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that can be altered or removed only after approval by the Borough of Ambler.

(Ord. 984, 2/17/2004, Art. IV, §401)

§26-432. Responsibilities for Operations and Maintenance of BMPs.

1. The BMP Operations and Maintenance Plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs, as follows:

A. If a plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Borough of Ambler, stormwater BMPs may also be dedicated to and maintained by the Borough of Ambler.

B. If a plan includes operations and maintenance by a single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.

2. The Borough of Ambler shall make the final determination on the continuing operations and maintenance responsibilities. The Borough of Ambler reserves the

right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs.

(Ord. 984, 2/17/2004, Art. IV, §402)

§26-433. Borough of Ambler Review of BMP Operations and Maintenance Plan.

1. The Borough of Ambler shall review the BMP Operations and Maintenance Plan for consistency with the purposes and requirements of this Part, and any permits issued by DEP.

2. The Borough of Ambler shall notify the applicant, in writing, whether the BMP Operations and Maintenance Plan is approved.

3. The Borough of Ambler may require and "As-Built Survey" of all stormwater BMPs, and an explanation of any discrepancies with the Operations and Maintenance Plan.

(Ord. 984, 2/17/2004, Art. IV, §403)

§26-434. Adherence to Approved BMP Operations and Maintenance Plan.

It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP Operations and Maintenance Plan, or to allow the property to remain in a condition which does not conform to an approved BMP Operations and Maintenance Plan, unless an exception is granted, in writing, by the Borough of Ambler.

(Ord. 984, 2/17/2004, Art IV. §404)

§26-435. Operations and Maintenance Agreement for Privately Owned Stormwater BMPs.

1. The property owner shall sign an operations and maintenance agreement with the Borough of Ambler covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix "B" of this Part.

2. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the Borough of Ambler.

(Ord. 984, 2/17/2004, Art. IV, §405)

§26-436. Stormwater Management Easements.

1. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Borough Engineer.

2. Stormwater management easements shall be provided by the property owner if necessary for access for inspections and maintenance or preservation of stormwater runoff conveyance, infiltration and detention areas and other BMPs, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under §26-435.

(Ord. 984, 2/17/2004, Art. IV, §406)

§26-437. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements.

1. The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP Operations and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds for Montgomery County, within 15 days of approval of the BMP Operations Plan by the Borough of Ambler:

   A. The Operations and Maintenance Plan, or a summary thereof;

   B. Operations and Maintenance Agreements under §26-435; and

   C. Easements under §26-436.

2. The Borough of Ambler may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

(Ord. 984, 2/17/2004, Art. IV, §407)

§26-438. Municipal Stormwater BMP Operation and Maintenance Fund.

1. If stormwater BMPs are accepted by the Borough of Ambler for dedication, the Borough of Ambler may require persons installing stormwater BMPs to pay a specified amount to the Municipal Stormwater BMP Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:

   A. If the BMP is to be owned and maintained by the Borough of Ambler, the amount shall cover the estimated costs for operations and maintenance for 10 years, as determined by the Borough of Ambler.

B. The amount shall then be converted to present worth of the annual series values.

2. If a BMP is proposed that also serves as a recreation facility (e.g., ball field, lake), the Borough of Ambler may adjust the amount due accordingly.

(Ord. 984, 2/17/2004, Art. IV, §408)

E. Inspections and Right-of-Entry.

§26-441. Inspections.

1. DEP or its designees (e.g., County Conservation Districts) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the Borough of Ambler or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.

2. During any stage of the regulated earth disturbance activities, if the Borough of Ambler or its designee determines that any BMPs are not being implemented in accordance with this Part, the Borough of Ambler may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.

(Ord. 984, 2/17/2004, Art V, §501)

§26-442. Right-of-Entry.

1. Upon presentation of proper credentials, duly authorized representatives of the Borough of Ambler may enter at reasonable times upon any property within the Borough of Ambler to inspect the implementation, condition or operation and maintenance of the stormwater BMPs in regard to any aspect governed by this Part.

2. BMP owners and operators shall allow persons working on behalf of the Borough of Ambler ready access to all parts of the premises for the purposes of determining compliance with this Part.

3. Persons working on behalf of the Borough of Ambler shall have the right to temporarily locate on any BMP in the Borough such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP.

4. Unreasonable delays in allowing the Borough of Ambler access to a BMP is a violation of this Section.

(Ord. 984, 2/17/2004, Art. V, §502)

F. Fees and Expenses.

§26-451. General.

The Borough of Ambler may charge a reasonable fee for review of BMP Operations and Maintenance Plans to defray review costs incurred by the Borough of Ambler. The applicant shall pay all such fees.

(Ord. 984, 2/17/2004, Art. VI, §601)

§26-452. Expenses Covered by Fees.

The fees required by this subpart may cover:

A. Administrative/clerical costs.

B. The review of the BMP Operations and Maintenance Plan by the Borough Engineer.

C. The site inspections including, but not limited to, pre-construction meetings, inspections during constructions of stormwater BMPs and final inspection upon completion of the stormwater BMPs.

D. An additional work required to monitor and enforce any provisions of this Part, correct violations and assure proper completion of stipulated remedial actions.

(Ord. 984, 2/17/2004, Art. VI, §602)

G. Prohibitions.

§26-461. Prohibited Discharges.

1. No person in the Borough of Ambler shall allow, or cause to allow, stormwater discharges into the Borough of Ambler's separate storm sewer system which are not composed entirely of stormwater except as provided in subsection (2) below and discharges allowed under a State or Federal permit.

2. Discharges which may be allowed, based on a finding by the Borough of Ambler that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:

   A. Discharges from firefighting activities.

   B. Uncontaminated water from foundation or from footing drains.

C. Potable water sources, including dechlorinated water line and fire hydrant flushings.

D. Flows from riparian habitats and wetlands.

E. Lawn watering.

F. Irrigation drainage.

G. Pavement washwaters where spill or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.

H. Routine external building washdown (which does not use detergents or other compounds).

I. Air conditioning condensate.

J. Water from individual residential car washing.

K. Dechlorinated swimming pool discharges.

L. Springs.

M. Uncontaminated groundwater.

N. Water from crawl space pumps.

3. In the event that the Borough of Ambler determines that any of the discharges identified in subsection (2) significantly contribute to pollution of water of the Commonwealth, or is so notified by DEP, the Borough of Ambler will notify the responsible person to cease the discharge.

4. Upon notice provided by the Borough of Ambler under subsection (3), the discharger will have a reasonable time, as determined by the Borough of Ambler, 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.

(Ord. 984, 2/17/2004, Art. VII, §701)

§26-462. Prohibited Connections.

The following connections are prohibited, except as provided in §26-461(2) above:

A. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater 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; and

B. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in the plans, maps or equivalent records, and approved by the Borough of Ambler.

(Ord. 984, 2/17/2004, Art. VII, §702)

§26-463. Roof Drains.

1. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in subsection (2).

2. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Borough of Ambler.

3. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

(Ord. 984, 2/17/2004, Art. VII, §703)

§26-464. Alteration of BMPs.

1. No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program, without the written approval of the Borough of Ambler.

2. No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Borough of Ambler.

(Ord. 984, 2/17/2004, Art. VII, §704)

H. Enforcement and Penalties.

§26-471. Public Nuisance.

1. The violation of any provision of this Part is hereby deemed a public nuisance.

2. Each day that a violation continues shall constitute a separate violation.

(Ord. 984, 2/17/2004, Art. VIII, §801)

§26-472. Enforcement Generally.

1. Whenever the Borough of Ambler finds that a person has violated a prohibition or failed to meet a requirement of this Part, the Borough of Ambler may order compliance by written notice to the responsible person. Such notice may require, without limitation:

   A. The performance of monitoring, analyses and reporting;

   B. The elimination of prohibited connections or discharges;

   C. Cessation of any violating discharges, practices or operations;

   D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

   E. Payment of a fine to cover administrative and remediation costs;

   F. The implementation of stormwater BMPs; and

   G. Operation and maintenance of stormwater BMPs.

2. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Borough of Ambler or designee and the expense thereof shall be charged to the violator.

3. Failure to comply within the time specified shall also subject such person to the penalty provisions of this subpart. All such penalties shall be deemed cumulative and shall not prevent the Borough of Ambler from pursuing any and all other remedies available in law or equity.

(Ord. 984, 2/17/2004, Art. VIII, §802)

§26-473. Suspension and Revocation of Permits and Approvals.

1. Any building, land development or other permit or approval issued by the Borough of Ambler may be suspended or revoked by the Borough of Ambler for:

   A. Noncompliance with or failure to implement any provision of the permit;

   B. A violation of any provision of this Part; or

C. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

2. A suspended permit or approval shall be reinstated by the Borough of Ambler when:

A. The Borough Engineer or designee has inspected and approved the corrections to the stormwater BMPs, or the elimination of the hazard or nuisance; and/or

B. The Borough of Ambler is satisfied that the violations of the ordinance, law or rule and regulation has been corrected.

3. A permit or approval which has been revoked by the Borough of Ambler cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Part.

(Ord. 984, 2/17/2004, Art. VIII, §803)

§26-474. Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day of noncompliance constitutes a separate violation. [A.O.]

2. In addition, the Borough of Ambler, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(Ord. 984, 2/17/2004, Art. VIII, §804; as amended by A.O.

§26-475. Appeals.

Any person aggrieved by any action of the Borough of Ambler or its designee, relevant the provisions of this Part, may appeal to the relevant judicial or administrative body according to law, within the time period allowed.

(Ord. 984, 2/17/2004, Art. VIII, §805)

26 Attachment 1

Borough of Ambler

APPENDIX A
LOW IMPACT DEVELOPMENT PRACTICES ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

Natural hydrologic conditions may be altered radically by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality as well as expenditure of additional resources for retaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize post-development runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve the alternative approach:

- Preserving Natural Drainage Features. Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern — streets and adjacent storm sewers typically are located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system.

As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration or filtration. Developments designed to fit site topography also minimizes the amount of grading on site.

- Protecting Natural Depression Storage Areas. Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff vol-

umes and trap pollutants. The volume and release rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

- Avoiding Introduction of Impervious Areas. Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways and other features producing impervious surfaces should be evaluated to minimize impact on runoff.

- Reducing the Hydraulic Connectivity of Impervious Surfaces. Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are routing of roof runoff over lawns and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff, and should help reduce concentration of runoff to a single point in the development.

- Routing Roof Runoff Over Lawns. Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of down-spouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. By routing roof drains and crowning the driveway to run off to the lawn, the lawn is essentially used as a filter strip.

- Reducing the Use of Storm Sewers. By reducing the use of storm sewers for draining streets, parking lots and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a “reasonable” time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.

- Reducing Street Widths. Street widths can be reduced by either eliminating on-street parking or by reducing roadway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets which ultimately could lower maintenance.

- Limiting Sidewalks to One Side of the Street. A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, back-yard trails should be constructed using pervious materials.

- Using Permeable Paving Materials. These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots and emergency access roads.

- Reducing Building Setbacks. Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.

- Constructing Cluster Developments. Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development clusters the construction activity onto less sensitive areas without substantially affecting the gross density of development.

In summary, a careful consideration of the existing topography and implementation of a combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include reduced potential of downstream flooding, water quality degradation of receiving streams/water bodies and enhancement of aesthetics and reduction of development costs. Beneficial results include more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads and reduced costs for conveyance and storage.

26 Attachment 2

Borough of Ambler

APPENDIX B
STORMWATER BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this_____ day of_____, 200_____, by and between_____, (hereinafter the "Landowner"), and Ambler Borough, Montgomery County, Pennsylvania, (hereinafter "Borough of Ambler"); WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book_____ at Page_____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the stormwater management BMP Operations and Maintenance Plan approved by the Borough of Ambler (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Borough of Ambler, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMPs); and

WHEREAS, the Borough of Ambler, and the Landowner, his successors and assigns, agree that the health, safety and welfare of the residents of the Borough of Ambler and the protection and maintenance of water quality require that on-site stormwater Best Management Practices be constructed and maintained on the Property; and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

- BMP — "Best Management Practice;" activities, facilities, designs, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Municipal Stormwater Management Ordinance, including, but not limited to, infiltration trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.

- Infiltration Trench — A BMP surface structure designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer.

- Seepage Pit — An underground BMP structure designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer.

- Rain Garden — A BMP overlain with appropriate mulch and suitable vegetation designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer, and

WHEREAS, the Borough of Ambler requires, through the implementation of the Plan, that stormwater management BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors and assigns. And

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.

2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Borough of Ambler and in accordance with the specific maintenance requirements noted on the Plan.

3. The Landowner hereby grants permission to the Borough of Ambler, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Borough of Ambler shall notify the Landowner prior to entering the property.

4. In the event the Landowner fails to operate and maintain BMP(s) as shown on the Plan in good working order acceptable to the Borough of Ambler, the Borough of Ambler or its representatives may enter upon the property and take whatever action is deemed necessary to maintain said BMP(s).

   This provision shall not be construed to allow the Borough of Ambler to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Borough of Ambler is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Borough of Ambler.

5. In the event the Borough of Ambler, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Borough of Ambler for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Borough of Ambler.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.

7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Borough of Ambler's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence or maintenance of the BMP(s) by the Landowner or Borough of Ambler. In the event that a claim is asserted against the Borough of Ambler, its designated representatives or employees, the Borough of Ambler shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Borough of Ambler's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.

8. The Borough of Ambler shall inspect the BMP(s) at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of_____ County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:
(SEAL) For the Borough of Ambler: (SEAL) For the Landowner:

ATTEST:
Ambler Borough County of Montgomery, Pennsylvania, I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20 _____, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing the date of the _____ day of _____, 20 _____, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____, DAY OF _____, 20 _____

_____

NOTARY PUBLIC (SEAL)

26 Attachment 3

Borough of Ambler

APPENDIX C
PERFORMANCE STANDARDS – DESIGN CRITERIA – MAINTENANCE OF FACILITIES

DESIGN STANDARDS

Section 101. General Requirements.

A. All stormwater management plans shall be designed and certified by individuals registered in the Commonwealth of Pennsylvania and qualified to perform such duties.

B. Where applicable, stormwater management facilities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the DEP.

C. Stormwater management facilities which involve a State highway shall also be subject to the approval of the PennDOT.

D. Stormwater management facilities located within or affecting the floodplain of any watercourse shall also be subject to the requirements of the Zoning Ordinance of the Borough of Ambler, as amended, or any future Zoning Ordinance, regulating construction and development within area of the Borough of Ambler subject to flooding and any other applicable requirements of the Pennsylvania Floodplain Management Act, Act 166 of 1978.

E. Stormwater runoff from a project site shall flow directly into a natural watercourse or into an existing storm sewer system, or onto adjacent properties in a manner similar to the runoff characteristics of the pre-development flow. Where a concentrated flow cannot be directly discharged into a natural watercourse or an existing storm sewer system, the developer shall be required to establish an easement through such adjacent properties until said flow enters a natural watercourse or existing storm sewer system.

F. Stormwater runoff shall not be transferred from one watershed to another unless the watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property, or the effect of the transfer does not alter the peak discharge onto adjacent lands, or drainage easements from the affected landowners are provided.

G. All stormwater runoff flowing over the project site shall be considered in the design of the stormwater management facilities.

H. Stormwater management facilities (detention, retention or infiltration) shall be provided so that the post-development rates of runoff from any regulated activity shall not exceed 50% of the peak rates of runoff prior to the development for all design storms unless the pre-existing hydrograph is not exceeded at all points in time.

I. Runoff calculations for the pre-development and post-development comparison shall consider six different storm frequencies; the two, five, 10, 25, 50 and 100 year storm events.

J. Stormwater management facilities shall be supplemented by BMPs as defined by the DEP criteria. Required Storage volume shall be provided to minimize the impact to water quality of receiving waters.

K. Innovative methods for the detention and control of stormwater runoff may be used when approved by the Borough of Ambler. Various combinations of methods should be tailored to suit the particular requirements of the type of development and the topographic features of the project site. The following is a partial listing of detention and control methods which can be utilized in stormwater management system where appropriate:

1. Detention basins and retention basins.

2. Roof-top storage.

3. Parking lot ponding.

4. Seepage pits, seepage trenches, rock bins or other infiltration structures.

5. Concrete lattice block surfaces.

6. Grassed channels and vegetated strips.

7. Cisterns and underground reservoirs.

8. Routed flow over grass.

9. Decreased impervious surface coverage.

L. If existing stormwater management facilities within a project site do not meet the design requirements of this Ordinance, and if such facilities are affected by new development being propose within the site, then the existing stormwater management facilities must be redesigned and improved to meet the requirements of this Ordinance.

M. Where proposed development and improvements to existing stormwater management facilities will cause adverse impacts on adjacent downstream properties, the developer shall mitigate such impacts.

N. All developments in the Borough of Ambler which do not fall under the exemption criterial shall prepare and submit a stormwater management plan consistent with this Ordinance. The exemption criteria shall apply to the total development even if development is to take place in stages. Refer to Sections 104 and 402 of this Ordinance.

O. Runoff from impervious areas shall be drained to pervious areas of the project site.

P. When final plan applications are submitted in sections, and if temporary facilities are required for construction of a section, such facilities shall be included in the submitted plans for that section in accordance with 25 Pa. Code Chapter 102.

Q. The Borough of Ambler shall comply with all applicable provisions of any Montgomery County Stormwater Management Plan which pertains to a watershed within the Borough of Ambler upon adoption of said Plan. If the provisions of this Ordinance are sufficient to regulate development within the Borough of Ambler in a manner consistent with any such Montgomery County Stormwater Management Plan, this Ordinance shall be deemed to satisfy the requirement of Section 11(b) of Act 167 of 1978 without necessity for re-enactment.

R. The applicant or his agent shall demonstrate that any facilities intended to be installed and located on an individual or group of individual lots can be adequately maintained by the homeowner(s) and/or lot owner(s).

S. All stormwater plans shall be submitted and approved by the County Conservation District for verification of Chapter 102 and applicable section of the NPDES Phase II SM4 criteria for earth moving.

Section 102. Methods of Calculation of Runoff.

A. Runoff calculations shall include a hydrologic and hydraulic analysis indicating volume and velocities of flow and the grades, sizes and capacities of water carrying structures, sediment basins and retention and detention structures, and sufficient design information to construct such facilities. Runoff calculations shall also indicate both pre-developed and post-developed rates for peak discharge of stormwater runoff from the project site.

B. The methods of calculation used to determine peak discharge and runoff values for sizing stormwater management facilities shall be:

1. For all projects with a total watershed area of 10 acres or more, the USDA Soil Conservation Service Soil-Cover-Complex Method as set forth in the latest edition of "Urban Hydrology for Small Watersheds, Technical Release No. 44," published by SCS (SCS-TR #55) or SCS TR-20, shall be used. An antecedent moisture content of one should be used for the pre-development condition. Rainfall values shall be based on the following 24-hour storm events:

Storm Event	**Inches of Rainfall**
2 years	3.1
5 years	4.1
10 years	5.0
25 years	5.5
50 years	6.2
100 years	7.0

2. For all projects with a total watershed area of less than 10 acres, the Rational Method shall be used. The Rational Method is based on the formula of Q=CIA where Q is the peak discharge of the watershed in cubic feet per second, C is the coefficient of runoff, I is the intensity of rainfall in inches per hour as shown in PennDOT Region 5, and A is the area of the watershed in acres.

3. Any other method approved by the Borough of Ambler's Engineer.

C. Time of Concentration values for all methods shall be based on those methods as outlined in SCS – TR#55. The worksheet in Appendix #9 shall be used in the computation of the time of concentration.

D. For the purpose of calculating pre-development peak discharges, all grass areas shall be considered to be in good condition.

E. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious.

Section 103. Design Standards – Water Carrying Facilities.

A. All storm sewer pipes, open channels, swales and other water carrying facilities on the site shall be designed for a 25 year storm event. All facilities used to convey offsite runoff through or around the site shall be sized to carry the 50 year storm event. All facilities which carry flows to the stormwater management basins or structures shall be sized to carry the 100 year storm events in conjunction with surface drainage systems. If in the opinion of the Borough of Ambler's Engineer, there is potential for damage to property or the loss of life due to the failure of the system to carry flows above

the minimum design flows as outlined above, the design storm event shall be increased.

B. All storm sewer pipes, culverts, manholes, inlets, end-walls and end sections shall be constructed in accordance with "PennDOT Form 08," as amended.

C. Storm sewer pipes, culverts, manholes, inlets, end-walls and end-sections proposed for dedication or located along streets shall conform to the requirements of the "PennDOT Bureau of Design, Standards for Roadway Construction, Publication No. 72," in effect at the time the design is submitted, as modified by the adopted Borough of Ambler's construction standards.

D. Storm sewer pipes and culverts, other than those used as basin outlets, which are intended to be dedicated to the Borough of Ambler shall be Reinforced Concrete Pipe (Class III), Corrugated Aluminum Alloy Pipe, Aluminized Corrugated Steel Pipe, Corrugated Polyethylene Pipe, or approved equivalent, and shall have a minimum diameter of 15 inches and shall be installed on sufficient slope to provide a minimum velocity of three feet per second when flowing full. Manning "n" values used for design of pipes and culverts shall be in accordance with published engineering references.

E. Flow capacity for all swales shall be based on Manning "n" value of 0.05. Maximum velocities shall be based on Manning "n" value of 0.03. Allowable velocities shall be as outlined in "Erosion and Sediment Pollution Control Manual," DEP, as amended.

F. All storm sewer pipe shall be laid to a minimum depth of one foot from subgrade to the crown of pipe.

G. Crown elevations of inflow and outflow storm sewer pipes in inlets and manholes shall be matched or the crown elevation of the inflow pipes shall be higher than the crown of the outflow pipe.

H. PennDOT Type Endwalls shall be used where stormwater runoff enters or leaves the storm sewer horizontally from a natural or manmade channel. Endsections may be used in special cases at the discretion of the Borough of Ambler.

I. Inlets shall be placed on both sides of the street at low spots, at a maximum of 600 feet apart along a storm sewer pipe, at all points of change in horizontal alignment or slope, at any point where the depth of flow in the gutterline will cove 1/2 of the travel lane width, and at any point where the design flow exceeds the capture ability of the inlet by 50%. At street intersections, inlets shall be located along the curb line at or beyond the curb radius points, and the depth of flow across the through streets shall not exceed one inch. Inlets shall be depressed by two inches below the grade of the gutter or ground surface. Manholes may be substituted for inlets at locations where inlets are not required to handle runoff. The depth of flow in the inlet shall

be a minimum of one foot below the top of grate elevation for the design storm flow conditions.

J. All storm sewers shall be perpendicular to the street centerline unless otherwise approved by the Borough of Ambler's Engineer. Runoff entering an inlet or manhole from an inflow storm sewer pipe shall not be designed in a manner that requires the runoff to be redirected greater than 90° in order to enter the outflow storm sewer pipe.

K. The proposed design discharge at the perimeter of the site shall not be beyond the capacity of the existing storm sewer system into which it flows.

L. All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the Borough of Ambler. If existing conditions currently function in an erosive state, improvements shall be required as part of the overall site improvements.

M. Flow velocities from any storm sewer may not result in a deflection of the receiving channel.

N. The capacities of open channels shall be computed from the Manning Equation. Permissible open channel velocities and design standards shall be in accordance with good engineering practice as documented in the "Erosion and Sediment Pollution Control Project Manual," DEP, as revised.

O. Energy dissipaters shall be placed at the outlets of all storm sewer pipes where flow velocities exceed maximum permitted channel velocities.

P. Where flow velocities of stormwater runoff exceed the allowable velocity of an open channel, erosion protection shall be provided. The method of erosion protection proposed must be supported by appropriate design information and references.

Q. Where proposed development is to be performed in phases, each phase of the project shall be designed to accommodate the full development of the project. If temporary facilities are required to properly implement the development of a phase, the design and construction of such facilities shall be included within the appropriate phase. In the event temporary facilities cannot adequately handle the stormwater runoff, proposed stormwater management facilities of future phases of development shall be incorporated within the current phase of development as necessary to adequately handle the runoff from the current phase of development.

Section 104. Design Standards – Detention and Retention Basins and Infiltration Structures.

A. Permanent detention and retention basins shall be designed to control the stormwater runoff from all storm events up to the 100 year post-development storm. Greater control of developed discharges may be required where: (1) the peak discharge cannot be properly handled by the existing or proposed downstream stormwater management facilities; or (2) the peak discharge will be detrimental to the downstream areas. The storage volume shall be calculated from the beginning of the storm event until such time as the inflow rate equals the outflow rate from the basin.

B. All basins shall be structurally sound and shall be constructed of sound and durable materials. The completed structure and the foundation of all basins shall be stable under all probable conditions of operation. The design of the outlets shall be capable of discharging the peak discharge of a post-development 100 year storm event through the emergency spillway facilities and primary outlet combined in a manner which will not damage the integrity of the facility or the downstream drainage areas. Each facility shall implement Best Management Practices (BMP) in order to protect the water quality of this Borough of Ambler in accordance with DEP BMP criteria (as amended). BMP outlets shall be sized with a release drawdown of approximately 36 hours, utilizing orifices with a minimum diameter of 1/2 inch. A cone or gravel or a non-corrosive fine mesh screen shall be installed around the BMP outlet orifice to prevent clogging. BMP storage shall not be used in the calculations of storage requirements for stormwater management.

C. An emergency spillway shall be provided for all basins to handle the 100-year post-development flow conditions. A minimum of one foot of freeboard shall be provided above the calculated flow elevation at the emergency spillway. The emergency spillway shall not be used for storms of lesser frequency than the 50-year event. A drainage easement shall be provided from the spillway to a natural or artificial watercourse.

D. The effect on downstream areas if the basin embankment fails shall be considered in the design of all basins. The basin shall be designed to minimize the potential damage caused by such failure of the embankment.

E. All outlet structures shall permit draining the basin to the BMP design elevation within 24 hours of the end of the storm event. The bottom of the basin shall have a minimum slope to the BMP impoundment area of 2% if grassed. When this grade cannot be attained, or if other factors indicate erosion of the bottom of the basin will occur, stone low flow channels and underdrains may be used to properly dewater the bottom of the basin.

F. Discharge structures shall be designed to eliminate the possibility of blockage during operation.

G. All structures and emergency spillways shall include a satisfactory means of dissipating the energy of flow at its outlet to assure conveyance of flow without endangering the safety and integrity of the basin and the downstream drainage areas. Special consideration shall be given to protection of emergency spillways located in filled areas.

H. All culverts through basin embankments shall be constructed of reinforced concrete with water tight joints and properly sized and spaced reinforced concrete antiseep collars installed with watertight seals between the collar and the culvert.

I. A cutoff core of impervious material (compacted to 95% of a maximum density based on a modified proctor test) shall be provided within all basin embankments. The core material shall extent 1 feet below the anti-seep collar projection.

J. The top width of basin embankments shall be a minimum of five feet or 2/3 of the maximum depth of storage, whichever is greater.

K. Infiltration facilities utilizing rock for stormwater storage shall be designed with a maximum stone void ration of 35% unless supporting information can be supplied. Percolation test results for all recharge systems shall be provided at the location and depth of the proposed facility. Required storage shall be based on a 24 hour storm duration.

L. Minimum floor elevations for all structures that would be affected by a basin, other temporary impoundments, or open conveyance systems where ponding may occur shall be two feet above the computed water surface during the 100 year storm event. If basement or underground facilities are proposed, detailed calculations addressing the effects of stormwater ponding on the structure and waterproofing design information shall be submitted for approval.

M. Upon completion and final stabilization of all storage and control facilities, an as-built survey of the facilities shall be prepared to confirm that adequate storage has been provided and that all drainage facilities have been properly installed.

Section 105. Design Standards-Erosion and Sediment Pollution Control.

A. All earthmoving activities shall be conducted in such a way as to minimize accelerated erosion and resulting sediment pollution. Measures to control erosion and sediment pollution shall, at a minimum, meet the standards of the Montgomery County Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the DEP.

B. The erosion and sediment pollution control plan must be available at all times at the project site. When required, a permit allowing earthmoving ac-

tivity shall be obtained by the developer before any construction on the project site shall begin.

C. Approval of an erosion and sediment pollution control plan by the Borough of Ambler shall not be construed as an indication that the plan complies with the standards of any agency of the Commonwealth.

D. The erosion and sediment pollution control plan shall be submitted to the Montgomery County Conservation District for its review and approval.

Section 106. Wetlands.

No development or earthmoving activities shall involve uses, activities or improvements which would entail encroachment into, the regrading of, or the placement of fill in wetlands in violation of State or Federal regulations.

Section 107. Easements.

A. The developer shall reserve easements where stormwater management facilities, floodplains or wetlands are existing or proposed, whether located within or beyond the boundaries of the project site. If stormwater management facilities, floodplains or wetlands are to be installed or created beyond the boundary of the property, the developer shall provide the Borough of Ambler with all necessary easements, in a form acceptable to the Borough of Ambler's Solicitor, clearly demonstrating that the developer has the right to install stormwater management facilities on such adjoining property and/or create floodplains or wetlands upon such adjoining property.

B. Easements shall have a minimum width of 20 fee and shall be adequately designed to proved area for (a) the collection and discharge of water, (b) the maintenance, repair and reconstruction of all stormwater management facilities, (c) the passage of machinery for such work, and (d) the preservation of floodplains and wetlands. The easements shall clearly identify who has the right of access and the responsibility of maintenance.

C. Stormwater management facilities shall be centered within the easement.

D. To the fullest extent possible, easements shall be centered on or be adjacent to lot lines.

E. Nothing shall be placed, planted, set or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.

PLAN REQUIREMENTS

Section 201. General Requirements.

Prior to the final approval of any subdivision or land development plan, or the issuance of any permit, or the commencement of any development within the jurisdiction of this Ordinance, the developer shall submit a stormwater management plan to the Borough for approval.

Section 202. Exemptions.

The following activities are specifically exempt from the plan requirements of this Ordinance:

A. Use of land for gardening and landscaping of the property, when performed as an accessory use to the primary use of the property.

B. Agricultural when operated in accordance with a conservation plan or erosion and sediment pollution control plan approved by the Montgomery County Conservation District, except where the Borough determines that said agricultural use may adversely affect any existing stormwater management facilities, stormwater patterns, watercourses, floodplain or wetland.

Section 203. Plan Contents.

The following items shall be included as part of the stormwater management plan:

A. Plans, showing the following information:

1. General.

a. All plans shall be on sheet sizes consistent with the Borough Subdivision and Land Development Ordinance

b. Proposed name or identifying title of project.

c. Name and address of the landowner and developer of the project site.

d. Plan date and date of the latest revision to the plan, north point, graphic scale and written scale. All plans shall be at a scale of 10, 20, 30, 40, 50 or 100 feet to the inch.

e. Total acreage of the project site and the tract of land on which the project site is located.

f. A location map, for the purpose of locating the project site to be developed, at a minimum scale of 2,000 feet to the inch, showing the relation of the tract to adjoining property and to all streets and Borough boundaries existing within 400 feet of any part of the tract of land on which the project site is proposed to be developed.

g. Certificate for approval by the Borough Council.

h. Certificate for review by the Borough Planning Commission.

i. Certificate for review by the Borough Engineer.

2. Existing Features.

a. Tract boundaries showing distances, bearings and curve date, as located by field survey or by deed plotting.

b. Existing contours at vertical intervals of two feet for land with an average natural slope of 4% or less and at vertical intervals of five feet for more steeply sloping land; except that no contours shall be required for residential and agricultural uses where a preliminary subdivision or land development plan is not required by the Borough Subdivision and Land Development Ordinance; however, the plan shall indicate the natural drainage patterns of the site along with the approximate grades of the slopes. Where contours are shown, the location of the benchmark and the datum used shall also be indicated.

c. The names of all owners of all immediately adjacent unplatted land, the names of all proposed or existing developments immediately adjacent and the locations and dimensions of any streets or easements shown thereon

d. The names, locations and dimensions of all existing streets, railroads, watercourses, drainage facilities, floodplains, wetlands and other significant features within 200 feet of any part of the tract proposed to be developed and the location of all buildings and approximate location of all tree masses within the tract.

e. Soil types as designated by the most recent USDA NRCS Soil Survey.

3. Proposed Features.

a. The proposed land use, the number of lots and dwelling units and the extent of commercial, industrial or other nonresidential uses.

b. The locations and dimensions of all proposed streets, parks, playgrounds, and other public areas; sewer and water facilities; lot lines and building locations; and parking compounds and other impervious and semi-pervious surfaces.

c. The proposed changes to land surface and vegetative cover, including areas to be cut or filled.

d. Proposed grading, including spot elevations and final contours at vertical intervals of two feet for land with an average natural slope of 4% or less and at vertical intervals of five feet for more steeply sloping land. The grading plan shall be detailed enough to show positive drainage to all stormwater management facilities, to show all slopes within the project site, to show stabilization methods for slopes exceeding 3:1 and for areas subject to erosion, and to show minimum floor elevations for buildings and structures near floodplains, basins or swales. Where proposed contour lines cannot be accurately located (i.e., as in a single-family detached residential development when the building has not bee determined), tentative grading shall be shown to justify assumptions made in the stormwater calculations. Where existing contours are not shown, arrows indicating general surface runoff flow patterns shall be shown.

4. Stormwater Management Facilities.

a. All stormwater management facilities along with any proposed connections to existing facilities.

b. Groundwater recharge methods such as rock bins, seepage pits, seepage beds or trenches. When these structures are used, the locations of nearby septic tank infiltration areas and wells must be shown.

c. Other control devices or methods such as roof-top storage, grass swales, parking lot ponding, vegetated strips and detention or retention basins.

d. Plans and profiles, to scale, of all proposed stormwater management facilities, including vertical and horizontal alignment, size and type of material. This information shall be of the quality required for the construction of all facilities. All plans shall be consistent with the stormwater calculations submitted with the plan application.

e. When plan applications, whether preliminary or final, are submitted in sections, a generalized stormwater management plan

for the entire project site shall be submitted in addition to the detailed stormwater management plan for the proposed section. This generalized plan shall demonstrate how the stormwater management facilities of the proposed section will relate to the entire development. The amount and velocity at the discharge point of the section shall be included in the data submitted. If temporary facilities are required for construction of a section, such facilities shall be included in the submitted plans.

f. All easement locations.

g. A note on the plan indicating any area that is not to be offered for dedication along with a statement that the Borough is not responsible for maintenance of any area not dedicated to and accepted for public use, and that no alteration to swales, or basins, or placement of structures shall be permitted within easements.

h. A certificate, signed and sealed by an individual registered in the Commonwealth of Pennsylvania and qualified under all applicable local and State laws to perform such duties, indicating the compliance of the design of the stormwater management facilities with the provisions of this Ordinance.

5. Erosion and Sediment Pollution Controls. The type, location and extent of all erosion and sediment pollution control measures shall be shown on an erosion and sediment pollution control plan that conforms to the requirements of the "Erosion and Sediment Pollution Control Manual," DEP, as amended.

B. Written report, including the following information:

1. Stormwater runoff calculations for both pre-development and post-development conditions. These calculations shall include all hydrologic and hydraulic analysis, computed and graphic drainage areas for each collection facility, and required support information for each stormwater management facility as needed to justify proper use and function.

2. An erosion and sediment pollution control plan narrative that conforms to the requirements of the "Erosion and Sediment Pollution Control Manual," DEP, as amended.

3. An ownership and maintenance program that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent stormwater management facilities and erosion and sediment pollution control facilities, including:

a. Description of temporary and permanent maintenance requirements.

b. Identification of a responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent stormwater management and erosion and sediment pollution control facilities.

c. Establishment of suitable easements for access to all facilities.

d. The intent of these regulations is to provide private ownership and maintenance of stormwater management and erosion and sediment pollution control facilities. Where the Stormwater Management Plan proposes that the Borough own or maintain the facilities, a description of the methods, procedures, source of funds to maintain the facilities and the extent to which any facilities shall be turned over to the Borough shall be incorporated as an integral part of the plan.

C. Financial security for the completion of stormwater management facilities as set forth in this Ordinance.

D. Maintenance guarantee, as set forth in this Ordinance.

E. Filing fee and/or inspection fee in the amount specified on the fee schedule, as may be amended from time to time, adopted by resolution of Borough Council.

F. A DEP permit for any stormwater management facility requiring a permit to be issued by DEP.

G. A PennDOT Highway Occupancy Permit for any stormwater management facility proposed within the right-of-way of a State road.

H. Approval by the DEP and the U.S. Army Corps of Engineers of the location of any wetlands, any of any revision to the site that will affect the wetlands.

I. A National Pollution Discharge Elimination System (NPDES) permit, when applicable.

J. A letter from the County Conservation District approving the erosion and sedimentation control plan.

K. A completed "Stormwater Management Agreement and Declaration of Easement," a completed "Joinder by Mortgage," and a completed "Consent and Joinder of Homeowners' Association," each where applicable.

Section 204. Plan Procedures for Subdivision and Land Developments.

All stormwater management plans for subdivision and land developments submitted under the jurisdiction of the Borough Subdivision and Land Development Ordinance, shall adhere to the procedures required by said Ordinance, including the number of copies of material to be submitted. Stormwater Management Plans for all other development shall adhere to the plan procedure delineated in this Ordinance.

Section 205. Record Drawings.

At the completion of the project, and as precondition for the final release of financial security, the developer shall provide a certificate of completion of all stormwater management facilities from an individual registered in the Commonwealth of Pennsylvania and qualified to perform such duties verifying that all permanent facilities have been constructed according to the plans and specification approved and any approved revisions thereto. This certification shall be provided on a set of record drawings of the stormwater management facilities as installed. After receipt of the record drawings containing the certification of completion, the Borough Engineer or other person designated by the Borough shall make a final inspection of the stormwater management facilities to verify compliance with this Ordinance.

Section 206. Expiration of Stormwater Management Plan.

All stormwater management plans shall expire 12 months from the date of unconditional approval by Borough Council unless an extension of time is approved. An extension of an unexpired stormwater management plan shall be issued by Borough Council following the submission of a written request if the subject property or affected surrounding area has not been altered in a manner which requires alteration to the stormwater management plan. The refusal of a request for an extension of time shall cite the reasons for such a refusal. A stormwater management plan shall not expire while a request for an extension is pending.

ARTICLE V. COMPLETION OF FACILITIES OR GUARANTEE THEREOF

Section 301. Completion of Facilities as Part of a Subdivision or Land Development.

Stormwater management facilities shall be completely installed prior to final plan approval unless the developer submits proper financial security with the final plan application in accordance wit the Borough Subdivision and Land Development Ordinance.

Section 302. Determination of Financial Security.

Where required, the developer shall file with Borough Council financial security in an amount sufficient to cover the costs of all stormwater management facilities required by this Ordinance. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld. Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive

or escrow accounts in such lending institutions shall be deemed acceptable financial security. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the developer provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, completion of all stormwater management facilities within one year of the date fixed on the final approved plan for such facilities. The amount of financial security shall be equal to 110% of the cost of the required facilities for which financial security is to be posted. The cost of the facilities shall be established by submission to the Borough Council an estimate of the cost of completion of the requirements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such costs. If the developer requires more than one year from the date of posting of the financial security to complete the required facilities, the amount of financial security may be increased by an additional 10% for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required facilities as reestablished on or about the expiration of the preceding one year period by using the above bidding procedure.

Section 303. Financial Security for Staged Development.

In the case where development is projected over a period of years, Borough Council may authorize submission of stormwater management plan applications by section or stages of development subject to such requirements or guarantees as to stormwater management facilities in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

Section 304. Release of Financial Security.

As the work of installing the required stormwater management facilities proceeds, the developer may request the Borough to release or authorize the release of, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough which shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough that such portion of the work upon the facilities has been completed in accordance with the approved plan. Upon such certification, the Borough shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the facilities completed or, if the Borough fails to act within said 45 day period, the Borough shall be deemed to have approved the release of funds requested. The Borough may, prior to final release at the time of completion and certification by the Borough Engineer, require retention of 10% of the estimated cost of the aforesaid facilities.

Section 305. Schedule of Inspections.

A. During the construction of the development, the Borough Engineer or other authorized Borough official may inspect the premises to determine that the

work is progressing in compliance with the information provided on the approved stormwater management plan and with all applicable Borough laws and ordinances.

B. The cost for the conducting of inspections by the Borough Engineer or other authorized Borough official shall be borne by the developer in accordance with the inspection fee adopted by resolution of the Borough Council.

C. In the event the Borough Engineer or authorized official discovers that the work does not comply with the approved plan or any applicable laws and ordinances, the Borough shall suspend any existing zoning permits related to the development until the required corrections have been made. Any portion of the work which does not comply with the approved plan must be corrected by the developer within 10 days. No work may proceed on any subsequent phase of the stormwater management plan, the subdivision or land development, or the building construction, until the related zoning permits have been reinstated.

D. If at any stage of the work, the Borough Engineer or authorized official determines that the soil or other conditions are not as stated or shown in the approved application, or that there has been a false statement or misrepresentation by the developer, the Borough Engineer or authorized official may refuse to approve further work and the Borough may revoke existing zoning permits until a revised plan is submitted and approved, as required by this Ordinance.

Section 306. Final Inspection.

A. When the developer has completed all the required facilities, he shall notify the Borough in writing by certified or registered mail, and shall send a copy of such notice to the Borough Engineer. The Borough shall, within 10 days after receipt of such notice, authorize the Borough Engineer to inspect the required facilities. The Borough Engineer shall promptly file a report, in writing, with the Borough and shall mail a copy of the report to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization by the Borough.

B. Based on the report of the Borough Engineer, the Borough shall indicate approval or rejection of the stormwater management facilities, either in whole or in part; and if not approved, state reasons for the rejection. The Borough shall immediately notify the developer, in writing, by certified or registered mail, of its actions.

C. If Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all stormwater facilities will be deemed to have been approved, and the developer shall be released from all

liability, pursuant to its performance guaranty bond, or other security agreement.

D. If any portion of said improvements are not approved or are rejected by the Borough, the developer shall proceed to complete the same and, upon completion, the same procedure of notification outlined herein shall be followed.

Section 307. Remedies to Effect Completion of Facilities.

In the event any stormwater management facilities which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Borough Council has the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the facilities covered by said security, the Borough Council may, at its option, install such facilities in all or part of the development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the facilities. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the stormwater management facilities covered by such security and not for any other purpose.

ARTICLE VI. MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

Section 401. Maintenance of Facilities During Development.

Maintenance of stormwater management facilities during development of a project site shall be the responsibility of the developer and the landowner and shall include, but not be limited to:

A. Removal of silt from all debris basins, traps or other structures or measures in accordance with the approved erosion and sediment control plan. When required, clean out shall be performed to restore the original design volume to the basin or other structure. The elevation corresponding to the maximum allowable sediment level shall be determined and stated in the design data as a distance below the top of the riser. The elevation shall be clearly marked on the riser to enable proper maintenance.

B. Periodic maintenance of temporary control facilities, such as replacement of straw bale dikes, straw filters or similar measures.

C. Establishment or reestablishment of vegetation by seeding and mulching or sodding of scoured areas where vegetation has not successfully been established.

D. Installation of necessary controls to correct unforeseen problems caused by storm events within design frequencies.

E. Removal of all temporary stormwater management control facilities upon installation of permanent stormwater management facilities at the completion of the development.

Section 402. Maintenance of Facilities Accepted by Borough.

Where the Borough Council accepts dedication of all or some of the required stormwater management facilities following completion, the Borough Council shall require the posting of financial security to secure the structural integrity of said facilities, as well as the functioning of said facilities in accordance with the design and specifications as depicted on the approved stormwater management plan. The term of the financial security shall be 18 months from the date of acceptance of dedication, and the amount of financial security shall be 15% of the actual cost of installation of said improvements. The financial security shall be of the same type required in Section 502 with regard to installation of stormwater management facilities.

Section 403. Maintenance of Facilities not Accepted by Borough.

A. It is the purpose and intent of this Ordinance that the Borough shall not become responsible for maintenance and supervision of stormwater management facilities unless such facilities are within rights-of-way dedicated to and accepted by the Borough. The responsibility for stormwater management facility maintenance falls upon the developer of the project site, who shall remain responsible for those areas of the project site which are subject to the requirements of this Ordinance. This responsibility may be retained or assigned to third persons as is deemed most acceptable to the developer.

B. It is the intent of this Ordinance that the purposes of this Ordinance shall be carried out through the exercise of responsibility of private parties, and therefore, it is anticipated that stormwater management plans shall be designed with a view towards facilities which can effectively be contained within the tracts to be owned and maintained by private parties. To foster this purpose, with respect to stormwater management facilities on a project site as shown on a plan of a developer, which stormwater management facilities will not otherwise become part of Borough property, such facilities shall become the responsibility of the individual property owners on whose properties such stormwater management facilities lie including, but not limited to, retention ponds, detention ponds, sediment basins, energy dissipaters or grassed waterways and the Borough and developer shall enter into an agreement, which shall be recorded, setting forth such maintenance responsibilities. Persons, including developers, conveying property within a project site to another party, which property contains any stormwater management facilities, shall include a specific deed reference to such to such grantee's responsibility for the maintenance and care of the stormwater management facilities as are included within such grantee's property. The deed reference to such stormwater management facilities shall be in the form of a deed restriction imposing responsibilities upon said property owner for the mainte-

nance of the portions of the stormwater management facilities within the boundary lines of said property as may be necessary for proper maintenance of the stormwater management facilities in accordance with the terms of this Ordinance. Such maintenance shall include, at a minimum, the following:

1. Liming and fertilizing vegetated channels and other areas according to specification in the "Agronomy Guide," Penn State University, College of Agricultural Sciences.

2. Reestablishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not been successfully established.

3. Mowing as necessary to maintain adequate stands of grass and to control weeds. Chemical weed control may be used if Federal, State and local regulations are met.

4. Removal of silt from all permanent structures which trap silt or sediment in order to keep the material from building up in the grass waterways, thus reducing their capacity.

5. Regular inspection of the areas in question to assure proper maintenance and care.

6. Removal of silt debris or any other obstruction from all permanent drainage structures in order to maintain the design storage volumes. Regular maintenance programs shall be established and maintained.

C. The deed restrictions herein above mentioned shall also include notice that, in the event that the individual property owner should fail to comply with the terms of this Ordinance for the maintenance and care of the land in question, the Borough shall have the authority to carry out those duties hereby imposed upon individual property owners. The Borough may, after giving notice to an individual property owner that he is not properly maintaining the areas subject to this Ordinance and by making a demand that such compliance shall be made within the time period set forth in the notification, enter upon said property and take such actions as may be required to bring the area into compliance with this Ordinance. The Borough shall further have the right to file a municipal lien against such property for the cost of maintenance work carried out under this Section, plus a penalty of 10% of the costs of such work. The Borough shall, in addition to the filing of a municipal lien, have any other remedies provided by law against any property owner who should fail to comply with the terms of this Ordinance.

Section 404. Maintenance of Facilities by Private Entity.

In cases where permanent maintenance of stormwater management facilities is to be performed by private entity, such as a homeowners' association or a condominium unit owners' association, such entity shall be responsible for the maintenance of such facilities and shall enter into a legally binding agreement with the Borough. Such agreement shall provide the Borough rights, in accordance with Section 705 of the Pennsylvania Municipalities Planning Code, relating to the maintenance of common open space should the private entity fail to adequately maintain the stormwater management facilities.

Section 405. Maintenance of Existing Facilities.

Stormwater management facilities existing on the effective date of this Ordinance on individual lots which have not been accepted by the Borough or for which maintenance responsibility has not been assumed by a private entity such as a homeowners' association shall be maintained by the individual property owners. Such maintenance shall include at a minimum those items set forth in Section 603, paragraph B. If the Borough determines at any time that any permanent stormwater management facility has been eliminated, altered, blocked through the erection of structures or the deposit of materials or improperly maintained, the Borough may determine that such condition constitutes a nuisance and shall notify the property owner of corrective measures which are required and provide for a reasonable period of time, not to exceed 30 days, within which the property owner shall take such corrective action. If the property owner does not take the required corrective action, the Borough may either perform the work or contract for the performance of the work and bill the property owner for the cost of the work, plus a penalty of 10% of the cost of the work. If such bill is not paid by the property owner within 30 days, the Borough may file a municipal claim against the property upon which the work was performed in accordance with applicable laws.

Section 406. Alteration of Facilities.

No person shall modify, remove, fill, landscape or alter stormwater management facilities which may have been installed on a property unless a stormwater management plan has been approved which authorizes such modification, removal, filling, landscaping or alteration. No person shall place any structure, fill, landscaping or vegetation into a stormwater management facility or easement in any manner.

ARTICLE VII. ADMINISTRATION

Section 501. Right-of-Entry onto Private Property.

Upon presentation of proper credentials, duly authorized representatives of the Borough may enter at reasonable times upon any property within the Borough to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance.

Section 502. Modification or Approved Plan.

A modification which involves a change in stormwater management control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the approved plan, shall require a submission by the developer in accordance with the plan requirements as set forth in Article VI of this Ordinance.

Section 503. Modification of Ordinance Provisions.

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The Borough Council reserves the right to modify or to extend them conditionally in individual cases as may be necessary in the public interest; provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this Ordinance; and provided the applicant can demonstrate either (1) that compliance would cause undue hardship as it applies to a particular property, or (2) that an alternative proposal will allow for equal or better results. Any request for a modification of a provision of this Ordinance shall adhere to the procedures set forth in Section 408 herein.

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ZONING

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PART 1

SHORT TITLE; EFFECTIVE DATE, DECLARATION OF LEGISLATIVE INTENT; INTERPRETATION AND CONFLICT

§27-101. Short Title.

This Chapter shall be known and may be cited as "the 1996 Zoning Ordinance of Ambler."

(Ord. 922, 9/17/1996, Art. I, §100)

§27-102. Declaration of Legislative Intent.

This Chapter, enacted for the purpose of promoting health, safety, morals and the general welfare of the inhabitants of the Borough of Ambler, is in accordance with a Comprehensive Plan and is designed to lessen congestion on the roads, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue congestion of population, to facilitate the adequate provision of transportation, vehicular parking space, water, sewerage, schools, parks and other public services, to preserve natural scenic and historical areas, to conserve the value of buildings, to coordinate practical community development, and to encourage the most appropriate use of land throughout the Borough.

(Ord. 922, 9/17/1996, Art. I, §101)

§27-103. Interpretation.

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

(Ord. 922, 9/17/1996, Art. I, §102)

§27-104. Statement of Community Objectives.

The Borough of Ambler, which adopted a Comprehensive Plan in 1968, to guide the orderly growth and development of the Borough, intends this Chapter to implement the following community development objectives, which have been approved by the Plan-

ning Commission and the Ambler Borough Council, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

A. Growth. Ambler is a developed community with an established identity and character that should be preserved; no drastic changes in the present development pattern should occur.

(1) All future growth, whether by infilling of remaining vacant land or by redevelopment of existing developed parcels, should occur in an orderly and controlled manner that is consistent with the scale, density and character of the Borough and the neighborhood within which it occurs.

(2) The Borough's population should remain stabilized within a range of 6,500 to 7,500 persons.

B. Land Use. Ambler should remain a multifaceted community which functions as an urban core serving the surrounding suburban areas.

(1) The integrity of established residential neighborhoods in the Borough should be protected and enhanced; nonresidential development should be located in a manner which complements, rather than downgrades, residential areas.

(2) Existing land use conflicts between residential and nonresidential uses and inappropriate land uses should be discouraged. Future land use decisions should avoid the creation of additional land use conflicts.

C. Housing. Ambler should be preserved as a pleasant residential area with a varied and balanced supply of housing types.

(1) The existing good housing stock should be maintained along with the necessary facilities (streets, community facilities, utilities) which are part of a good housing environment.

(2) Any deteriorated housing areas should be upgraded.

D. Commerce. Sufficient space and good access should be provided for commercial activity, which contributes to the economic vitality of Ambler. Commercial activity, must, however, also be compatible with other functions of the community and satisfactory transitions from one land use to another should be provided to avoid land use conflicts.

(1) Traffic-intensive, highway-oriented commercial uses should be discouraged in order to lessen the traffic burden on already heavily traveled Butler Avenue.

(2) Adequate support facilities for the business district, sufficient parking areas, street access, utilities and public services should be provided.

(3) The unique character of Ambler's central business district should be promoted through advertising, good design and appearance, a safe, efficient and pleasant pedestrian movement system and through encouraging a wide variety of retail and service establishments.

(4) Low intensity business and professional office uses should be permitted in residential areas bordering the Borough's central business district where such development would constitute an appropriate alternative use for converted dwellings and, at the same time, serve to maintain the residential character of these neighborhoods.

(5) Mixed-use development, i.e., residential uses plus commercial and/or office uses, should be permitted where appropriate.

E. Industry. The diversification and revitalization of industry should be encouraged as a means of strengthening the Borough's economic base.

(1) New heavy industrial development should be restricted to nonfloodplain and environmentally stable areas between the railroad tracks and the Wissahickon Creek. (The spoils piles of asbestos wastes shall be left covered with vegetation and otherwise undisturbed according to the Pennsylvania Department of Environmental Protection.)

(2) Nonconforming industrial uses located in residential areas of the Borough should be appropriately controlled and buffered to achieve compatibility with the surrounding neighborhood.

(3) Structural rehabilitation and improved access should be encouraged as a means of enhancing the appearance and functioning of existing industrial establishments.

F. Transportation. A mutually beneficial relationship between traffic circulation and land use should be established.

(1) Vehicular circulation should be designed to separate regional traffic from local residential traffic wherever possible.

(2) Adequate off-street parking and loading areas should be required for all new development in the Borough and should be improved in existing areas where needed.

(3) Use of public transportation services by Borough residents should be encouraged through the programming of necessary rail station improvements and by the concentration of high intensity land uses in areas accessible to rail services. The Borough's rail station and central

business district should be connected through good urban design and pedestrian circulation to mutually benefit both areas.

G. Community Facilities and Services. Continued improvements of the level and quality of community facilities and services in the Borough should be fostered.

(1) Existing institutional and educational uses should be identified and protected by appropriate regulatory tools and the provision of additional off-street parking areas to serve these uses should be encouraged where needed.

(2) The development of additional areas for active and passive recreation should be encouraged wherever possible.

(3) Adequate open space and other amenities should be required in conjunction with all new development in the Borough.

H. Environment. Borough regulations should encourage the maintenance of a high standard of air and water quality and the protection of the Borough's natural resources, including woodlands, floodplains and steep slopes. Historical, educational and cultural resources should be identified and preserved and the overall aesthetic qualities of the Borough should be improved through sign regulations, landscaping requirements and similar controls.

I. Intergovernmental Cooperation and Implementation. Cooperation with surrounding communities in dealing with social and physical problems which transcend municipal boundaries and the adoption of a strong planning program with active citizen involvement by Borough residents should be encouraged.

(Ord. 922, 9/17/1996, Art. I, §103; as amended by Ord. 991, 8/15/2005)

§27-105. Conflict.

It is not intended by this Chapter to repeal or abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Chapter; provided, that where this Chapter imposes greater restriction upon the use of buildings or land, or upon the height and bulk of buildings or prescribes larger open spaces than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this Chapter shall control.

(Ord. 922, 9/17/1996, Art. I, §104)

PART 2

DEFINITIONS

§27-201. Interpretation.

Unless otherwise expressly stated, the following words or phrases shall have the meaning herein indicated. The present tense includes the future, the singular number includes the plural and the plural the singular, the word "building" includes the word "structure" and shall be construed as if followed by the words "or part thereof", the word "occupy" includes the words "designed or intended to be occupied," the word "use" includes the words "arranged, designed or intended to be used," the word "shall" is always mandatory; the word "person" includes any natural persons, partnership, firm, association or corporation and the masculine includes the feminine.

(Ord. 922, 9/17/1996, Art. II, §200)

§27-202. Definition of Terms.

ACCESS STRIP — a piece of land at least 25 feet wide which provides access from a public street to a rear lot, but which does not meet the minimum requirements of this Chapter with respect to lot width at the building line.

ACCESSORY BUILDING — a building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY DWELLING UNIT — a suite, either detached from or attached to the primary dwelling unit on the lot, for occupation by the following members of the lot owner's family:

A. A parent, grandparent, or a spouse, partner or sibling of one of the those relatives;

B. A family relative, by blood, marriage, or adoption who requires continuous care due to injury, illness or a serious physical or mental disability that substantially impairs or restricts one or more of such activities as walking, seeing, hearing, speaking, working, or learning.

A detached ADU may take the form of a cottage or similar dwelling, or may be constructed over a detached accessory building such as a garage. An attached ADU is attached to the principal dwelling unit on the lot, but must have its own, permanent provisions for living, sleeping, eating, cooking, and full bath, which are not shared with the residents of the principal dwelling unit on the lot.

ACCESSORY USE — a use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.

ADULT DAY CARE CENTER — a facility operated for profit or not for profit in which adult daily living services are provided for four or more clients not related to the operator.

ALL WEATHER — when used in connection with parking or driveway requirements, the term refers to areas surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

ALLEY — a service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION — as applied to building or structure, a change or re-arrangement in the structural parts or mechanical equipment, or an enlargement, whether by extending on a side or by increasing in height; including work, other than repairs, that would affect safety or a vital element of an elevator, plumbing, gas piping, wiring, ventilation or heating installation. The term "alter," in its various moods and tenses and its participle forms, refers to the making of an alteration.

AMUSEMENT — place of indoor amusement or recreation. A place with four or more of any combination of automatic, mechanical, electric or electronic machines or devices used or designed to be operated as a game, or for entertainment or amusement, by the insertion of a coin, token, money or other article, or by payment of money to have it activated or to be admitted including, but not limited to, the following: billiard rooms, bowling alleys, jukeboxes, merchandise machines, pool rooms, photographic machines, pinball machines, rides, slot car races, video machines and devices.

APARTMENT HOUSE — any residential structure in which there are two or more apartment units. This definition includes structures that have been converted to such use as well as buildings originally designed as such.

BALCONY — an open air platform projecting from a building, enclosed by a railing or parapet, usually supported by brackets.

BASEMENT — any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST HOMESTAY — an owner-occupied residence built prior to 1917 and/or of historic significance, which offers up to four guest rooms for overnight sleeping accommodations and which may provide breakfast, but no other meals for the temporary guests.

BED AND BREAKFAST INN — lodging facility operated primarily as a business, even though the owner may live on the premises. Bed and breakfast inns have four to 20 guest rooms and must obtain a commercial license to operate.

BLOCK — a portion of land usually in a rectangular space, ordinarily enclosed by streets but sometimes by other bounds such as streams or railroads and occupied by or intended to be occupied by buildings.

BOARDING HOUSE — an essentially private residence that provides a private room and bathroom access and meals cooked on the premises and/or kitchen access to boarders for a comprehensive (meals included) weekly or monthly charge provided that rooms are limited to one boarder per room and the total rooms available to boarders does not exceed four. (Note – If the rooms are available on a nightly charge basis or if there is a separate charge for meals served on the premises, the facility is a motel or hotel or bed and breakfast homestay.

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.

BUILDING AREA — the horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot. Porches, decks, and patios, as defined herein, are also included in the building area. Also referred to as building coverage.

BUILDING ENVELOPE — the area on a lot where principal building(s) are permitted to be erected. This area is defined by the limits of the required front, side and rear yard areas, as delineated by the respective building setback line.

BUILDING LINE — the line which serves as the rear boundary of the minimum required front yard and creates the front line of the building envelope. Also referred to as front building setback line.

BUILDING, PRINCIPAL — a building in which is conducted the principal use of the lot on which it is situated.

BUILDING SETBACK LINES — lines parallel to the lot lines measured at distances equal to the depths of the minimum required front, side and rear yards. The building setback lines create the boundary of the building envelope.

CLUB OR LODGE — a voluntary, non-profit, incorporated or unincorporated association for a purpose of social, literary or political nature.

COMMERCIAL PARKING — where used in this Chapter, the term commercial parking shall refer to the business of renting or leasing space for the parking of vehicles owned by persons other than the owner of the lot in question. The storage or recurrent parking of more than five passenger vehicles or more than two trucks or other commercial vehicles, shall be presumed to be commercial parking.

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

COMPREHENSIVE PLAN — maps, charts, descriptive matter officially adopted by the Borough Council showing among other things recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways, and recreation areas; for the general location and extent of facilities for water, sewer, lights and power: for the general location, character and extent of community facilities.

CONDITIONAL USE — a form of permitted use, authorized by this Chapter, under the jurisdiction of the Borough Council. The Borough Council is empowered to grant permission for conditional uses, consistent with the public interest, in compliance with the standards and procedures established in this Chapter, following thorough examination of the proposal and under any reasonable safeguards necessary to implement the purposes and intent of this Chapter and to protect the general welfare.

CONDOMINIUM — a system of separate ownership of individual units in a multi-unit building or buildings, with each owner having a proportionate interest in the common areas. Each unit is real property with recordable and transferable deed assessed and taxed as a parcel of real estate.

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

DAY CAMP — a camp for minor children conducted between 10:00 a.m. and 5:00 p.m., excluding Saturdays and Sundays.

DAY CARE CENTER — a facility in which care is provided for seven or more children at any one time, where the child care areas are being used as a family residence.

DAY CARE FACILITY — any dwelling or building that provides child or adult care services. Child day care facilities shall be further differentiated by the following three classifications.

DECK — an unroofed structure elevated 18 inches or more above ground level, usually attached to one part of and with direct access to or from a building.

DECISION — final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Montgomery County.

DENSITY — the number of dwelling units per acre.

DETERMINATION — final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

A. The Borough Council.

B. The Zoning Hearing Board.

C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance [Chapter 22] or planned residential development provisions.

Determinations shall be appealable only to the Boards designated as having jurisdiction for such appeal.

DEVELOPMENT — any manmade 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 operation, storage of equipment or materials and the subdivision of land.

DRIVEWAY — a passageway for vehicular ingress and egress to a garage, carport or other permissible parking area. Driveways shall not be less than eight feet in width and must be paved with a hard surface from the street line to the front building setback line. Driveway space shall not be counted as part of the required parking area.

DWELLING — a structure or portion thereof which is used exclusively for human habitation.

A. Single-Family Detached Dwelling. A dwelling designed for and occupied exclusively by one family and having no party wall in common with an adjoining building.

B. Two-Family Dwelling. A dwelling designed for and occupied by two families.

(1) Duplex. A two-family dwelling with one dwelling unit located over the other and separated by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units.

(2) Twin. A two-family dwelling with one dwelling unit on each side of the vertical party wall.

C. Single-Family Attached Dwelling. A dwelling designed for and occupied exclusively by one family and having no more than two party walls in common with any other dwelling.

(1) Quadruplex. Four single-family attached dwellings in one structure in which each dwelling has two open space exposures and shares one or more party walls with adjoining units.

(2) Townhouse. A single-family attached dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is separated from.

D. Multifamily Dwelling. A dwelling designated for and occupied exclusively by more than two families.

(1) Garden Apartment. A multifamily dwelling of three stories or less in height, excluding residential conversions.

(2) Mid-Rise Apartment. A multifamily dwelling of four full stories or more in height, excluding residential conversions.

DWELLING UNIT — two or more rooms used exclusively for occupancy by one person or family, containing living, sleeping, cooking and bath facilities for the use of and under the control of the occupants.

DWELLING UNIT, TEMPORARY — a dwelling unit providing complete or partial housekeeping facilities for one family for seasonal use.

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

FAMILY — one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household guests. Foster children shall be considered as adopted for the purpose of this definition. A number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage, may be deemed to constitute the functional equivalent of a family.

FAMILY DAY CARE HOME — any residence other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five or six children who are not relatives of the resident caregiver.

FLOODPLAIN –

A. Flood. A temporary condition of partial or complete inundation of normally dry land areas.

B. Base Flood Elevation. The one-hundred-year flood elevation as referenced in the Flood Insurance Study, Borough of Ambler, prepared by the Federal Insurance Administration, Federal Emergency Management Agency. Within the approximated floodplain, alluvial soils, floodplain or areas to be determined as floodplain as documented by the Borough Engineer, the one-hundred-year flood elevation shall be established as a point of the boundary of the approximated floodplain nearest to the construction site in question.

C. Flood Boundary. A map prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development designating the boundaries of the floodplain areas in the Borough of Ambler.

D. Regulatory Flood Elevation. The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

E. Floodplain. See "flood-prone area."

F. Flood-Prone Area. A relatively flat or low land area adjoining a stream, river or watercourse which is subject to partial or complete inundation or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. For the purpose of this Chapter, the one-hundred-year floodplain shall be that delineated by HUD/FIA in the flood boundary for the Borough of Ambler.

G. Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in Floodproofing Regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2314 (June, 1972 and as subsequently amended). Floodproofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations.

In said publication where reference is made to "below" (or above) the "RFD" (regulatory flood datum) it shall be interpreted as meaning below (or above) the regulatory flood level. Said regulations are contained in the Building Code [Chapter 5] of Ambler, as amended.

H. One-Hundred-Year-Flood. A flood that has one chance in 100 or a 1% chance of being equaled or exceeded in any one year. For the purposes of this Chapter, the one-hundred-year flood (base flood) is as defined by the Federal Insurance Administration, Federal Emergency Management Agency, in the Flood Insurance Study, Borough of Ambler.

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

FLOOR AREA, GROSS — the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls or from the centerline of a wall separating two buildings, but not including interior vehicular parking or loading or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, NET — the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking and loading and all floor area below the first or ground floor except when used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO — the gross floor area of all buildings on a lot divided by the gross lot area.

FORESTRY — the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONTAGE — the length of the lot line abutting a street right-of-way.

GARAGE, PRIVATE — an accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than two commercial vehicles may be stored in a private garage.

GARAGE, PUBLIC — a building other than a private or storage garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.

GARAGE, STORAGE — a building not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks), but not for the sale, service or repair thereof, nor for the sale of fuel, accessories or supplies.

GASOLINE SERVICE STATION — any area of land, including structures thereon, or any building or part thereof that is used for the sales of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

GROSS LEASABLE AREA — the total floor area designed for owner or tenant occupancy and exclusive use, including basements, mezzanines and upper floors,

expressed in square feet and measured from the center line of partitions and from outside wall faces; not including public or common areas, such as public toilets, corridors, stairwells, elevator lobbies or enclosed mall spaces.

GROUP DAY CARE HOME — a facility in which care is provided by a resident caregiver for more than six but less than 12 children at any one time, where the child care areas are being used as a family residence.

GROUP HOME — a residential facility used as living quarters by any number of unrelated persons requiring special care and their attendant adult supervisors, specifically designed to create a residential setting for the following types of individuals, juvenile delinquents, the mentally and physically impaired and other similar uses as a special exception. The individuals may be either transient or permanent residents.

HEALTH CARE FACILITY — a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including a general hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, chronic disease hospital, maternity hospital, dispensary, home health care agency, personal care boarding home.

HEALTH SERVICES — establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

HEARING — an administrative proceeding conducted by a board pursuant to §909.1 of the Pennsylvania Municipalities Planning Code.

HEIGHT OF BUILDING — the vertical distance measured from the average elevation of the existing grade at the location of the building to the highest point of a flat or multi-level roof. For gable, hip or gambrel roofs, measured to the mean height between the eaves and ridge. Residential chimneys, mechanical penthouses and similar projections not intended for human occupancy shall be excluded.

HOME OCCUPATION — the accessory use of a residence involving the conduct of one of the following: doctor, lawyer, dentist, psychologist, psychiatrist, engineer, architect, accountant or a rabbi, priest or minister or other religious leader affiliated with a local religious institution. The use is incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part.

HOSPITAL, SANITARIUM, SANITORIUM — any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include

general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose, and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. The term "hospital" shall also include sanitariums and sanitoriums.

HOTEL — an establishment providing transient accommodations, containing five or more rental rooms or suites, where access to rooms is provided through a lobby and internal hallways and the building height is more than two stories. Meeting rooms, banquet facilities and ancillary commercial shops are often provided within the building, with internal hallway access.

IDENTIFIED FLOODPLAIN — the floodplain area specifically identified in this Chapter as being inundated by the one-hundred-year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

IMPERVIOUS COVERAGE — coverage of the site by materials which cannot be penetrated by water and which therefore results in a stormwater runoff of 100%. Included are all buildings and all forms of paving used for roads, driveways, parking and loading areas, walks, courts, patios, etc.

IMPROVEMENTS — the physical additions, installations and changes required to render land suitable for the use proposed, including streets, curbs, sidewalks, utilities and drainage facilities.

INDUSTRY — those fields of economic activity, including forestry, fishing, hunting and trapping, mining, construction, manufacturing, transportation, communication, utility services and wholesale trade. (See "industry," "light" and "industry, heavy")

INDUSTRY, LIGHT — industrial activities which are carried out entirely within an enclosed building, and involve no outdoor processes or outdoor storage of primary raw materials.

INDUSTRY, HEAVY — industrial activities which do not meet the definition of light industry.

JUNKYARD — any outdoor establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling junk, including junked motor vehicles and their parts.

KENNEL, ANIMAL — any structure or premises in which more than six dogs or other domesticated small animals more than one year old are housed, groomed, bred, boarded, trained or sold.

LAND DEVELOPMENT –

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

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

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

B. A subdivision of land.

C. Except that the following activities shall not be considered land development:

(1) The conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

(2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LANDOWNER — the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LAND USE ORDINANCE — any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code.

LOADING SPACE — a space, accessible from a street, in a building or on a lot, for the temporary use of vehicles while loading or unloading materials or merchandise.

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

LOT AREA, GROSS — calculated land area contained within the deeded boundaries of a lot.

LOT AREA, NET — gross lot area minus areas of public and private rights-of-way or access easements.

LOT AREA, BUILDABLE — net lot area contained by the building line, minus the area of any land in a floodplain conservation district, in a steep slope conservation district or in a wetlands area.

LOT, FLAG — a lot which conforms in all respects to the dimensional requirements of the zoning district in which it is located, except that the only road frontage and access is limited to an access strip. This definition does not include the commonly used wedge-shaped lots located on a cul-de-sac turnaround. Also known as rear or interior lot.

LOT FRONTAGE — the length of the front lot line measured at the legal right-of-way line.

LOT LINE — any property boundary line of a lot, further defined as follows:

A. Front lot line is the line identical with the legal right-of-way line.

B. Rear lot line is the line or lines most nearly parallel or concentric to the front lot line.

C. Side lot lines are the lines most nearly perpendicular or radial to the front lot line. On a corner lot, the side lot line shall be the line or lines most nearly perpendicular or radial to the higher classification of street, where applicable. The remaining line shall be considered the rear lot line.

D. A lot which fronts on more than one street shall have a front lot line on each street frontage.

LOT WIDTH — the horizontal distance between side lot lines, measured at the building line, parallel or concentric to the ultimate right-of-way line. For a corner lot, lot width shall be measured parallel or concentric to the ultimate right-of-way line of the higher classification of street, where applicable.

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 Chapter.

MANUFACTURING — the process or operation of making wares or products from raw materials by hand or by the use of machine(s).

MEDICAL OR DENTAL CLINIC — any building or group of buildings occupied by medical practitioners and related services for the purpose or providing health services to people on an out-patient basis.

MEDIATION — a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

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

MOBILE HOME — a transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. May not meet local building codes but does meet the standards of the U.S. Department of Housing and Urban Development, as indicated by the Structural Engineering Bulletin(s) provided to Borough Council by the applicant. Specifically excluded motor homes, travel trailers and recreational vehicles.

MOBILE HOME LOT — a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots of the placement thereon of mobile homes.

MODULAR HOME — a single-family dwelling unit for permanent occupancy, made by assembling one or more factory-produced, three-dimensional sections into one integral building, not capable of easily being separated for repeated towing, whose construction materials must conform to those of conventionally-built units, as required by the Borough's Building Code [Chapter 5] and must be placed on a permanent foundation. A copy of the Structural Engineering Bulletin(s) must be provided to the Borough, indicating approval of the dwelling or its components by the U.S. Department of Housing and Urban Development.

MOTEL — an establishment providing transient accommodations, containing more than five rental rooms or suites, where access to rooms is from directly outside the building. Building height is typically only one or two stories, and the facility is generally served by a central office rather than a lobby.

MOTOR VEHICLE SALES AGENCY — a commercial use for the sale and repair of motor vehicles, including new and used cars, trucks, recreational vehicles and/or farm equipment; having both indoor and outdoor display areas and providing maintenance and repair services for vehicle owners.

NEW CONSTRUCTION — structures for which the start of construction commenced on or after the effective date of this Chapter and includes any subsequent improvements thereto.

NO-IMPACT HOME-BASED BUSINESS — a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

NONCONFORMING LOT — a lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE — a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its loca-

tion by reason of annexation. Such nonconforming structures include nonconforming signs.

NONCONFORMING USE — a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence 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.

OPEN SPACE — public or private lands designated for the use and enjoyment of Borough residents and/or the general public, incorporating natural features such as woodland, stream, or meadows, and including Borough parks, trails, and other recreational facilities. Also includes common open space as defined below and other private lands which are available for the use of Borough residents (i.e., through access easements).

OPEN SPACE, COMMON — a parcel or parcels of land within a development site designed and intended for the use or enjoyment of the residents of the development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such recreational facilities for residents as are shown in the approved development plan.

PARK — any area which is predominately open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.

PARKING FACILITIES — outdoor areas or specially designed buildings or garages used for the storage of vehicles.

PARKING SPACE — an open or covered area with a dust-free, all-weather surface for the storage of one automobile, accessible via a driveway.

PATIO OR TERRACE — a level, landscaped and/or surfaced area directly adjacent to a principal building at or within 18 inches of ground level and not covered by a permanent roof.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE — the Municipalities Planning Code, originally enacted as Act 247 of 1968, which establishes the basic authority for the exercise of municipal land use controls in Pennsylvania. All subsequent amendments are included. Abbreviated as "MPC" or "Act 247."

PERMIT — a document issued by the proper authority authorizing the applicant to undertake specified activities. See Part 22 of this Chapter for specific requirements regarding the following permits:

A. Building Permit. A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with construction pro-

visions of the Building Code [Chapter 5] and which authorizes an applicant to commence with said construction, alteration or reconstruction.

B. Use and Occupancy Permit. Generally, a permit issued upon completion of the construction of any structure, indicating that the premises comply with the provisions of the this Chapter or issued in approval of re-occupancy, a new use, or a change in use of buildings or land, indicating compliance with this Chapter.

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.

PERSONAL CARE FACILITY — a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator and who do not require the services of a skilled nursing or intermediate care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self-administration. Sometimes known as "assisted living."

PERSONAL SERVICES — a business which provides a service oriented to personal needs and not primarily involving retail sales of goods or professional advisory services. Includes barber, beauty salon, bakery, tailor, dressmaker, shoe repair, photographer, travel agent, jewelry and watch repair or similar service uses.

PLAN — a graphic representation of a proposal for subdivision and/or land development, including necessary written notes.

PLANNING COMMISSION — the Ambler Borough Planning Commission.

PORCH — a roofed open area that may be enclosed with glass or screening and usually attached to or part of and with direct access to or from, a building.

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

PRINCIPAL USE — the single dominant use or single main use on a lot.

PROFESSIONAL OFFICE — a building in which services are conducted by a member of a profession and wherein the services is the salable commodity offered to clients. This may include, but is not limited to, office of an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer.

PROPERTY LINE — a recorded boundary of a lot. Any property line which abuts a street or other public way shall be measured from the right-of-way.

PUBLIC GROUNDS — includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — a formal meeting held pursuant to public notice by the governing body, planning commission or other municipal agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

PUBLIC MEETING — a forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act." (". . .any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency, held for the purpose of deliberating agency business or taking official action.")

PUBLIC NOTICE — notice published once a week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC STREET — a street that has been dedicated to Ambler Borough.

PUBLIC UTILITIES FACILITIES — a building or structure and its equipment, used for the transmission and exchange of telephone, radio telephone, gas power, sewer and water facilities. Provided, however, that in a residential district these shall not include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

RECREATIONAL VEHICLE — a vehicle which is:

A. Built on a single chassis.

B. Not more than 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 one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

RESIDENTIAL CONVERSION — the remodeling or alteration of a structure so as to provide more dwelling units than was originally intended.

RESTAURANT, DRIVE-IN — a commercial use that dispenses food and drink ready for consumption to customers who place and receive their orders without leaving their cars or other motor vehicles. Also included are restaurants in which a drive-in facility provides only a portion of the sales.

RESTAURANT, FAST-FOOD — any restaurant that is characterized by one or more of the following features:

A. Orders are placed an received at a central counter.

B. Orders are frequently packaged for take-out.

C. Orders may be consumed at tables or booths within the facility, which must be cleared by customers.

D. Waiter/waitress service is not provided.

E. Menu selections are limited.

F. Disposable containers and utensils are used rather than reusable dishes and table service.

ROOMING HOUSE — dwelling, not a single-family or two-family dwelling, apartment house or hotel, providing lodging with or without meals, for fewer than 10 guests.

SATELLITE DISH ANTENNA — a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only) and microwave antennas.

SCHOOL — any public, parochial or private place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors, which teaches those academic subjects that are fundamental and essential in general education and which provide kindergarten, elementary, secondary stages of education or a vocational school, under the supervision of a State or lawfully constituted ecclesiastical governing body and with standards of instructions meeting the requirements of the Commonwealth of Pennsylvania, but excluding any privately operated schools of trade, business, vocations or avocations.

SHOPPING CENTER — a group of commercial establishments, planned and developed as an integrated architectural and functional unit, providing convenient on-site parking and controlled, common vehicular and pedestrian access.

SIGN — any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Sign types and sign-related terms are further defined in Part 20 of this Chapter.

SINGLE AND SEPARATE OWNERSHIP — the ownership of a contiguous land area as one or more lots by one owner, whether a person, partnership, corporation or other legal entity, irrespective of the fact that parts of the land may have been acquired at different times or that the area may have been divided into parts on any plan or plat.

SKILLED NURSING CARE FACILITY OR NURSING HOME — a premises in which nursing care and related medical or other health services are provided, for a period exceeding 24 hours, for two or more individuals, who are not relatives of the operator, who are not acutely ill or in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

SOIL SURVEY — the Montgomery County Soil Survey of 1967, prepared by the Soil Conservation Service of the United States Department of Agriculture.

SPECIAL EXCEPTION — a form of permitted use, authorized by this Chapter, under the jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board is empowered to grant permission for special exceptions, consistent with the public interest, in compliance with standards and procedures established in this Chapter.

START OF CONSTRUCTION — construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

STEEP SLOPE — a grade of 15% or greater as determined by the soil survey or accurate contour mapping.

STORY — that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it and including those basements used for the principle use.

STREET — includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET LINE — a line identical with the ultimate right-of-way line.

STREET RIGHTS-OF-WAY –

A. Legal Right-of-Way. The street right-of-way legally in the public domain at the time a plan is submitted.

B. Ultimate Right-of-Way. The street right-of-way projected to be necessary for adequate handling of anticipated maximum traffic volumes, as defined by the Borough Subdivision and Land Development Ordinance [Chapter 22].

C. Equivalent Right-of-Way. A street right-of-way required to be reserved where private streets are permitted. The width shall be determined by the street's function, in accordance with the street classifications contained in the Borough's Subdivision and Land Development Ordinance [Chapter 22].

STRUCTURE — any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground.

STRUCTURAL ALTERATION — any change in or addition to the supporting or structural members of a building, such as the bearing walls, partitions, columns, beams, girders or enclosing porches or any change which would convert an existing building into a different structure, or adapt it to a different use, or which in the case of a nonconforming use, would prolong the life of such use.

SUBDIVISION — the division or redivision of a lot, tract or parcel of land by any means into two 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 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 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

A. Before the improvement or repair is started.

B. If the structure has been damaged and is being restored, before the damage occurred.

For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

C. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to ensure safe living conditions.

D. Any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING POOL — a body of water or receptacle for water having a depth at any point greater than 30 inches that is primarily used or intended to be used for swimming or bathing.

UTILITY FACILITIES — above-ground structures or facilities (other than buildings, unless such buildings are used for storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by the Pennsylvania Public Utilities Commission and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or communication signals. Excepted are utility transmission lines and supporting structures.

VARIANCE — The granting of permission by the Zoning Hearing Board to use or alter land or structures which requires a variation from the strict application of a requirement of this Chapter. Variances are granted only if specific requirements are met, in accordance with the provisions of this Chapter.

VEGETATIVE COVER — the land area devoted to vegetative coverage, including lawns, trees, shrubs, flowers and gardens.

VEHICLE DISPLAY AREA — an open area, other than a street or parking area, used for display, sale or rental of new or used motor vehicles, recreational vehicles or boats in operable condition and where no major repairs are done.

VISUAL SCREEN — a barrier whose purpose is to obscure a view; generally comprised of plant materials suitable for the purpose.

WAREHOUSE — a building or group of buildings primarily used for the commercial storage, transfer and distribution of products and materials.

WATERCOURSE — a place intended or used for the directed surface flow of water, including permanent and intermittent streams, brooks, creeks, channels, ditches, swales and rivers.

WETLANDS — those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support (and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions, includes swamps, marshes, bogs and similar areas. Development in wetlands is regulated by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. Identification of wetlands should be based upon the "Federal Manual for Identifying and Delineating Wetlands," an inter-agency publication of the Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service and Soil Conservation Service, dated January 1989.

WHOLESALE BUSINESS — places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

YARD — the area(s) of a lot which must remain free of buildings or other structures and may be used as lawn or planted area, parking or driveway space, in compliance with the provisions of this Chapter. A yard is measured at right angles from the right-of-way or lot line to the nearest building wall. Architectural elements such as cornices, entrance hoods, overhangs, or eaves may extend no more than three feet into the required yard area. Yard is further defined as follows:

A. Front Yard. A yard which extends across the full width of a lot, for a depth equal to the minimum front yard setback distance required by the specific regulations of this Chapter, measured from the ultimate right-of-way line.

B. Rear Yard. A yard which extends across the full width of a lot, for a depth equal to the minimum rear yard setback distance required by the specific regulations of this Chapter, measured from the rear lot line.

C. Side Yard. A yard which extends along a side lot line from the required front yard to the required rear yard, the minimum width of which shall be the minimum specified by the regulations of this Chapter, measured from the side lot line.

YARD LINE — a line which locates and delineates the minimum yard setback requirements, measured from the front, rear and side lot lines.

ZONING OFFICER — the administrative officer charged by the Borough with the duty of enforcing the provisions of this Chapter.

(Ord. 922, 9/17/1996, Art. II, §201; as amended by Ord. 925, 1/21/1997, §1; by Ord. 991, 8/15/2005; by Ord. 987, 8/16/2004; and by Ord. 1021, 9/16/2008)

PART 3

ZONING DISTRICTS

§27-301. Districts.

For purposes of this Chapter the Borough is hereby divided into the following districts:

R-1 Residential District

R-1-A Residential District

R-2 Residential District

R-3 Residential District

MR Mixed Dwelling Residential District

GA Garden Apartment District

HE Housing for the Elderly District

C Commercial District

O Office District

I Industrial District

Office Campus District

IN Institutional District

OS Open Space District

FP Floodplain Conservation District

RO Redevelopment Overlay District

DC Downtown Commercial District

DC-2 Downtown Commercial-2

RSC Retail and Service Commercial District

(Ord. 922, 9/17/1996, Art. III, §300; as amended by Ord. 941, 2/15/1999, §2; by Ord. 951, 12/18/2000; by Ord. 972, 3/18/2003; by Ord. 973, 3/18/2003; by Ord. 974, 3/18/2003; by Ord. 1015-1, 1/22/2008; and by Ord. 1018, 7/21/2008)

§27-302. Zoning Map.

The boundaries of the districts shall be as shown upon the map attached to and made part of this Chapter, which shall be designated the Zoning Map. The map and all notations, references and other data shown thereon shall be made a part of this ordinance, as if the matters and data shown on the map were fully described herein. To aid in the reading and interpretation of the Official Zoning Map and to avoid any confusion over

certain zoning district boundary lines, the following boundaries are specifically described and where a zoning district is not specifically described herein, its boundaries shall be determined directly from the zoning map as in the usual course.

(Ord. 922, 9/17/1996, Art. III, §301; as amended by Ord 963, 8/19/2002, §1; and by Ord. 977, 3/18/2003)

§27-303. District Boundaries.

The boundaries between districts are, unless otherwise indicated, either the centerline of streets, lanes, watercourses and rights-of-way of power lines and other public utilities or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse or rights-of-way of a power line or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right-of-way of such power line, railroad or other public utility, lying within such portion of its length. Where uncertainty exists as to the location of any said boundaries as shown on the Zoning Map, the following rules shall apply:

A. Where a district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse or right-of-way of a power line or other public utility, such centerline shall be construed to be such boundary.

B. Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be construed to be such boundary.

C. Where a district boundary divides a lot or runs through individual property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on said map.

D. Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. Where scale distances do not agree with such figures, the figures shall control.

(Ord. 922, 9/17/1996, Art. III, §302)

§27-304. Lot Division by Boundary Line.

When a district boundary line divides a lot held in single or separate ownership at the time of the adoption of this Chapter, the regulations as to the use in the more restricted

district shall extend over the portion of the lot in the less restricted district, for a distance of not more than 50 feet beyond the district boundary lines.

(Ord. 922, 9/17/1996, Art. III, §303)

PART 4

GENERAL PROVISIONS

§27-401. General.

For the purposes of this Chapter, the following regulations shall govern each district.

(Ord. 922, 9/17/1996, Art. IV, §400)

§27-402. Permanent Open Space Preservation.

1. The location, extent and purpose of common land proposed to be set aside for open space or for recreational use within any subdivision must be reviewed and approved by Borough Council. A private recreational use, such as a swimming pool, whose use is limited to the owners of occupants of lots located within the subdivision, may be approved as common land. Other uses or sites which may qualify as common land include historic buildings or sites, natural parks and parkway areas, landscaped parks, extensive areas with tree cover and low land along streams or areas of steep terrain where such areas are extensive and have natural features worthy of preservation.

2. If a subdivision includes the proposal to dedicate land to the Borough for park and open space use, the subdivision must include by dedication, or by other reasonable means, the total park area, at the time of filing of final map on all, or any portion, of the tract or tracts.

3. If the open land is reserved for private use, it shall be held in corporate ownership by the owners of lots within the development and such other nearby landowners who may wish to become members of the corporation (in which case the open land may be restricted to members of said corporation if so chosen by the corporation). In the case of a corporation, the developer shall include in the deed to the owners of the building lots a beneficial right in the use of the open land. If held in corporate ownership, the open land shall be subject to taxation, assessed in equal shares upon the building lots comprising the corporation.

4. The maintenance of common land for private open space or recreational use shall be guaranteed by trust indenture approved by the Borough and shall be filed with the County Recorder of Deeds simultaneously with the recording of the final plat of the subdivision.

5. The area to be permanently preserved as open space (either publicly or by corporate ownership) shall be located in harmony with the objectives of the Comprehensive Plan and the Borough Open Space Plan, including lands with natural features like floodplain, steep slopes or woodlands.

(Ord. 922, 9/17/1996, Art. IV, §401)

§27-403. Obstruction of Vision at Intersections.

On any corner lot, between the curb of the street and paved area of the street (where street curbs are not present) and the building line facing either street, no wall, fence, sign or other structure shall be erected, altered or maintained higher than three feet, and no hedge, tree, shrub or other growth shall be planted or maintained between the height of three feet and nine feet above street curb level.

(Ord. 922, 9/17/1996, Art. IV, §402)

§27-404. Fences and Walls.

Fences or walls of heights not exceeding six feet are permitted within any of the open spaces required by this Chapter, except front yards, wherein they shall not exceed four feet. Provided also, that fences or walls exceeding six feet in height shall be permitted, apart from front yards, so long as they contain openings equal to 50% or more of the area of the fence or wall which exceeds four feet in height.

(Ord. 922, 9/17/1996, Art. IV, §403)

§27-405. Access to a Public Street.

No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot at least 25 feet wide extending from the dwelling to the public street or highway.

(Ord. 922, 9/17/1996, Art. IV, §404)

§27-406. Modification of Front Yard Requirements.

Where an unimproved lot of record is situated on the same street frontage with two improved lots or one unimproved lot, the front yard requirement for that district shall be modified so that the front yard shall be an average of the existing and required front yard.

(Ord. 922, 9/17/1996, Art. IV, §405)

§27-407. Accessory Uses.

Accessory uses shall include, but are not limited to, the following:

A. Uses accessory to a dwelling:

(1) Private garage; private parking space, shelter for pets.

(2) Swimming pool for use of family and guests only.

(3) Private greenhouse.

(4) Living quarters for household employee or caretaker.

(5) The renting of rooms within the dwelling in which the lessor resides, or in an accessory building, for not more than two nontransient persons.

(6) Home occupations that meet all applicable standards of this Chapter.

(7) No-impact home-based business.

(8) Accessory dwelling units, or ADUs.

(a) Detached ADUs — detached from the principal dwelling on the lot.

(b) Attached ADUs — attached to the principal dwelling on the lot.

B. Location Requirements. Accessory uses are permitted in the rear yard provided they:

(1) Are separated from the principal building (with the exception of attached accessory dwelling units).

(2) Are separated by at least 10 feet, measured back from the street line, from the rearmost portion of the principal building (with the exception of attached accessory dwelling units).

(3) Are not nearer than four feet to any side or rear property line.

(4) If such side or rear property line is a party wall:

(a) Exterior wall of such accessory use building shall be of permanent construction.

(b) Provision shall be made for disposal of roof waste onto the subject property or to the nearest storm sewer.

C. Additional Requirements for Accessory Dwelling Units.

(1) Intent. The intent of these provisions is to:

(a) Provide more affordable housing and increased companionship for the elderly and those family members or close relations requiring continuous care due to a disability, illness, or injury.

(b) Prohibit the creation of rental units in accessory dwelling units (both detached from or attached to the principal dwelling on the lot).

(c) Ensure accessory dwelling units fit unobtrusively into the Borough's residential neighborhoods.

(2) Accessory dwelling units are subject to the following conditions:

(a) No more than one accessory dwelling unit will be permitted on any property.

(b) Occupancy –

1) An accessory dwelling unit may be occupied only when the lot owner's family is living in the principal dwelling on the lot.

2) An accessory dwelling unit must be occupied by at least one of the following relatives of the lot owner's family:

a) A parent, grandparent, or a spouse, partner or sibling of one of the those relatives;

b) A family relative, by blood, marriage, or adoption who requires continuous care due to injury, illness or a serious physical or mental disability that substantially impairs or restricts one or more of such activities as walking, seeing, hearing, speaking, working, or learning.

(c) A covenant shall be recorded to run with the land restricting use of the accessory dwelling unit so it shall not be rented, and it shall meet the provisions of §27-407C(2)(b), Occupancy, above.

(3) An accessory dwelling unit may not be a mobile home, motor home, or trailer.

(4) Parking – One off-street parking space is required per accessory dwelling unit in addition to parking required for the principal building on the lot. The Zoning Administrator may revise the requirement upwards or downwards based on the use of the accessory dwelling unit (e.g., if two drivers will live in the accessory dwelling unit with two

cars, two-off street parking spaces may be required; if one person who does not drive will live in the accessory dwelling unit, no additional off-street spaces may be required). The applicant may reduce the off-street spaces required for the accessory dwelling unit by demonstrating adequate street parking exists. If changes in vehicle ownership or other changes occur that affect the number of parking spaces required by resident(s) of the ADU, the Zoning Officer must be notified.

(5) Physical/Dimensional Requirements:

(a) Floor space must have at least 400 square feet of living space, and may not exceed the lesser of 800 square feet of living space or 1/3 of the gross living area above grade of the principal house on the lot.

(b) The height of a newly constructed, detached accessory dwelling unit may not exceed the height of the principal building on the lot. The total height of a detached structure with a garage on the first story and an accessory dwelling unit on the second story must not exceed the height of the principal dwelling on the lot.

(c) Each accessory dwelling unit must have a kitchen and full bath.

(d) For sewage disposal, water supply, and all other utilities, accessory dwelling units shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used, and all connections must meet the applicable utility system standards.

(e) The accessory dwelling unit must not have a separate address or mailbox from the principal dwelling.

(f) Any connection between a detached accessory dwelling unit and the principal dwelling may have an overhead shelter, but must not be fully enclosed.

(g) The screening of ADUs with adequate living landscaping is encouraged.

(6) Permits (monitoring) –

(a) Permits for accessory dwelling units shall be issued for a period not longer than one year and must be renewed at the end of the first term of issuance and every such period thereafter.

(b) Renewal of permits requires inspection of the accessory dwelling unit by the Zoning Officer.

(c) If a permit for an accessory dwelling unit is not renewed, all rights granted to the landowner under such permit expire, and the landowner must re-apply for the issuance of a new permit under the then current standards for the issuance of such permit.

(d) Permits for accessory dwelling units expire when a change of occupancy occurs.

D. Additional Requirements for Home Occupations.

(1) The profession will be conducted primarily by a resident of the dwelling. There can only be one home occupation on or in a property.

(2) No more than three persons shall work or assist in the office and no more than one of them may be a nonresident of the dwelling.

(3) A home occupation may not be initiated within 250 feet of any already-existing home occupation, measured from the points at which the parcels are closest to one another.

(4) The office may be attached to the dwelling or may stand separately but may not exceed 600 square feet or 25% of the structure's total floor space, whichever is less.

(5) Notwithstanding any other signage provisions in this Chapter, there may be only one sign, 6 x 18 inches in size, not illuminated, and bearing only the name and occupation, in words only, of the practitioner. Other than the sign, no products, merchandise or equipment may be displayed on the outside of the property.

(6) The appearance of the property shall remain residential in character and shall not call undue attention to the home occupation. The business may not generate trash in excess of residential output in an average building of the same size.

(7) In addition to any parking provided for the residential use, there shall be two additional parking spaces, off street, improved as required elsewhere in the this Chapter. These spaces shall not be in any portion of the front yard but rather shall be provided in the side or rear yard only. Further, the parking area and approaches to it shall be no closer to an adjacent property line than as permitted for accessory buildings in the same zoning district. The lot must at all times comply with any impervious coverage limitations then in effect for the zoning district. Any additional water runoff caused by the addition of parking spaces or driveways must be captured and recharged on site.

(8) All driveways shall be sufficient to allow vehicles to turn around so as not to be required to back into the street.

(9) Landscaping shall be provided to shield the parking area from neighboring lots, in conformity with §100.4.4, Subsections E through H, of the Borough Subdivision and Land Development Ordinance [Chapter 22].

(10) Hours of operation for the home occupation shall be between the hours of 8:00 a.m. and 9:00 p.m.

(11) A permit must be obtained from the Borough prior to conducting a home occupation.

(12) This section does not apply to no-impact home-based businesses, which must be in conformity with the definition of no-impact home-based businesses as set forth in the Pennsylvania Municipalities Planning Code.[1]

(Ord. 922, 9/17/1996, Art. IV, §406; as amended by Ord. 991, 8/15/2005; and by Ord. 987, 8/16/2004; and by Ord. 1021, 9/16/2008)

§27-408. Conversions of Residential Structures.

The conversion of a residential structure (not located in a floodplain area FE, FF or FA) into a dwelling for two or more families is permitted by special exception in accordance with the following requirements:

A. Each dwelling unit shall have not less than 700 square feet of floor area, plus an additional 100 square feet of floor area for each additional bedroom in excess of one.

B. The minimum lot size per dwelling unit after conversion shall be 75% of the minimum lot size of the zoning district in which the residence is located.

C. Fire escape and outside stairways shall, when practicable, be located to the rear of the building. Outside stairways other than metal fire escapes shall be enclosed. A metal fire escape of design and construction approved under the Fire and Building Codes [Chapter 5] shall be provided for each floor above the second, leading to the ground. Each dwelling unit shall have two means of safe egress at ground level.

D. The Zoning Hearing Board shall specify the maximum number of families permitted to occupy such buildings and may prescribe such further conditions and restrictions as the Board may find appropriate.

[1] Editor's Note: See also § 27-414 of this Chapter.

E. The off-street parking requirements of this Chapter shall be met.

F. The residential structure shall be located within the R-2 or R-3 districts.

(Ord. 922, 9/17/1996, Art. IV, §407; as amended by Ord. 925, 1/21/1997, §10)

§27-409. Modular Homes.

Modular construction may be used to create detached modular (one dwelling unit per structure) or attached modular homes (two or more dwelling units per structure). Detached modular homes are considered single-family detached dwellings and accordingly are allowed in any zoning district in which similar conventionally-built dwellings are a permitted use. All requirements of the this Chapter, Subdivision and Land Development Ordinance [Chapter 22] and/or other regulations applicable to single-family detached or attached dwellings are applicable to modular homes.

(Ord. 922, 9/17/1996, Art. IV, §408)

§27-410. Bed and Breakfast Homestay Use.

1. Intent.

   A. To provide an incentive for owners of Ambler's older and larger homes to continue home occupancy and maintenance, thereby permitting such residential dwelling units built prior to 1917, and/or those with historic significance to conduct bed and breakfast operations.

   B. To protect the residential character of neighborhoods through the provision of standards designed to prevent nuisance and other detrimental impacts potentially imposed by bed and breakfast operations.

   C. To provide an alternative type of lodging for visitors to the greater Ambler area and, through such a measure, to enhance the identity and visibility of the Borough.

2. Use Regulations.

   A. Conditional Use. A Bed and Breakfast Homestay shall be permitted by conditional use in the R-1, R-1A, R-2 and R-3 zoning districts, in compliance with the conditions outlined below.

   B. The location, size and operating characteristics of the proposed bed and breakfast use will be compatible with and not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures or natural resources, with consideration given to:

(1) Harmony in scale, bulk, coverage and density.

(2) The availability of public facilities, services, and utilities.

(3) The harmful effect, if any, on desirable neighborhood character.

(4) The generation of traffic and the capacity and physical character of surrounding streets.

(5) The suitability of the site for the type and intensity of the proposed use or development.

(6) Any other relevant impact of the proposed use.

C. In general, no more than one bed and breakfast facility shall be permitted on each block face unless the size of the property is found to be a deterrent to its use as a single-family residence or if a majority of the owners within 300 feet who reply to the public hearing notices are in favor of the proposed use. Block face shall mean that portion of a block with frontage on a street; there are generally two block faces with frontage on a street.

D. The potential impacts as described above and the location of the proposed use will be compatible with the goals of the Ambler Comprehensive Plan.

E. The conditional use permit for a bed and breakfast use shall expire once the applicant ceases to occupy the premises. Any subsequent occupant must apply for and be granted a new conditional use permit prior to continuing to use the premises as a bed and breakfast.

3. Development Regulations.

A. Structure. The bed and breakfast use shall be operated within the principal structure and not in any accessory structure. The structure to be used shall have been constructed prior to 1917, or be of historic significance. It is the applicant's responsibility to show that the property meets county, state or federal criteria for historical significance.

B. Location. Bed and breakfast uses shall be a conditional use in the R-1, R-1A, R-2 and R-3 Districts.

C. Parking. The use shall meet the requirements of Part 21. The front yard shall not be used for off-street parking unless the parking area is screened and found compatible with the neighborhood. To avoid underutilized paved areas in residential areas, the following parking arrangements may satisfy the bed and breakfast requirement, upon recommendation by the Planning Commission and Borough Council approval:

(1) Tandem parking.

(2) Garage spaces.

(3) Off-site parking areas; provided, that they are not more than 200 feet from the bed and breakfast residence and that satisfactory legal evidence is presented in the form of deeds, leases, easements or other contracts securing full access to such parking spaces for the use.

D. Number of Guest Rooms. A maximum number of four guest bedrooms is allowed.

E. Additions and Alterations. No exterior additions or alterations shall be made for the express purpose of maintaining or adding to a bed and breakfast facility, other than those required to meet health, safety and sanitation requirements. Minimal outward modification of the structure or grounds may be made if such changes are deemed compatible with the character of the area or neighborhood. Such alterations or additions must meet all zoning standards and Building Code [Chapter 5] requirements.

F. Length of Stay. Maximum length of stay is limited to a cumulative total of 21 days in any 90 day period of time. The resident owner shall keep an up to date guest register covering a 90 day period, including names, addresses and dates of occupancy of all guests.

G. Management. The facility shall be owner occupied and managed with the resident owner/manager having at least a 50% ownership interest.

H. Signage. One sign shall be permitted in association with a bed and breakfast use. Any such sign shall comply with the standards for home occupation signs contained in this Chapter. The nameplate shall be compatible with the style and detailing of the house.

I. Other Uses. The sale and/or display of merchandise or services to non-guests is prohibited. Only sales of homemade crafts and homemade take-out food to guests are permitted. Social functions in which the owner receives payment for the use of the facility are prohibited.

J. Meals. Meals shall consist of breakfast only and only for guests of the establishment. Owners shall comply with all Federal, State and local requirements for the preparation, handling and serving of food. No cooking facilities shall be provided in guest rooms.

K. Fire Safety. Each bed and breakfast facility shall meet all applicable Federal, State, and local fire safety codes. Guests shall be provided information regarding the floor plan of the dwelling and the location of emergency exits.

L. Sanitation Facilities. At least one full bathroom (toilet, wash basin, bath and/or shower) shall be provided for each three guest rooms. If a fourth guest room is offered, the proprietor may share their bathroom to meet this requirement, provided access is through a common area.

(Ord. 922, 9/17/1996, Art. IV, §409)

§27-411. Sexually Oriented Businesses.

1. Purpose and Findings.

A. Purpose. It is the purpose of this Section to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the Borough and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Borough. The provisions of this Section have neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene materials.

B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community and on findings incorporated in the cases of Borough of Renton v. Playtime Theaters, Inc., 757 U.S. 47 (1986), Young v. American Mini Theaters, 426 U.S. 50 (1976) and Barnes v. Glen Theater, Inc., 501 U.S. 560 (1991) and on studies in other communities including, but not limited to Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma Borough, Oklahoma; Cleveland, Ohio and Beaumont, Texas and also on findings from the report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989) the Council finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities.

(2) Certain employees of sexually oriented businesses defined in this Section as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation and oral and anal sex occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows.

(4) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(7) Since 1981, and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States, 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.

(8) As of December 31, 1997, there have been 1,740 reported cases of AIDS in the Commonwealth of Pennsylvania.

(9) Since 1981, and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Pennsylvania.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over 1/2 million cases being reported in 1990.

(12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components and from an infected mother to her newborn.

(13) According to the best scientific evidence AIDS and HIV infection, as well as syphilis and gonorrhea are principally transmitted by sexual acts.

(14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(16) The findings noted in Subsections (1) through (15) raise substantial governmental concerns.

(17) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Borough. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain em-

ployees who may engage in the conduct which this Section is designed to prevent or who are likely to be witnesses to such activity.

(23) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Section.

(24) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

(25) The general welfare, health, morals and safety of the citizens of the Borough will be promoted by the enactment of this Section.

2. Definitions.

ADULT ARCADE — any place to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration or electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE — a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT CABARET — a nightclub, bar, restaurant or similar commercial establishment which regularly features:

(1) Person who appear in a state of nudity or seminude.

(2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL — a hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.

(2) Offers sleeping room for rent for a period of time that is less than 10 hours.

(3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION PICTURE THEATER — a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER — a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or seminude or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

EMPLOYEE — a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

ESCORT — a person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY — a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT — any of the following:

(1) The opening or commencement of any sexually oriented business as a new business.

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.

(3) The additions of any sexually oriented business to any other existing sexually oriented business.

(4) The relocation of any sexually oriented business.

LICENSEE — a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

NUDE MODEL STUDIO — any place where a person who appears seminude, in a state of nudity or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. A nude model studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college or university supported entirely, or in part, by public taxation, a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college or university entirely or partly by taxation or in a structure:

(1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing.

(2) Where in order to participate in a class a student must enroll at least three days in advance of the class.

(3) Where no more than one nude or seminude model is on the premises at any one time.

NUDITY OR A STATE OF NUDITY — the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

PERSON — an individual, proprietorship, partnership, corporation, association or other legal entity.

SEMINUDE OR IN A SEMINUDE CONDITION — the showing of the female breast below a horizontal line across the tope of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel; provided, that the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER — a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

SEXUALLY ORIENTED BUSINESS — an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS –

A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

SPECIFIED CRIMINAL ACTIVITY — any of the following offenses:

A. Prostitution or promotion of prostitution, dissemination of obscenity, sale, distribution or display of harmful material to a minor, sexual performance by a child, possession or distribution of child pornography, public lewdness, indecent exposure, indecency with a child, engaging in organized criminal activity, sexual assault, molestation of a child, gambling or distribution of a controlled substance or any similar offenses to those described above under the criminal or penal code of other States or countries.

B. For which:

(1) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.

(2) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.

(3) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 month period.

C. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

SPECIFIED SEXUAL ACTIVITIES — any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy.

C. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through B above.

SUBSTANTIAL ENLARGEMENT — of a sexually oriented business means the increase in floor areas occupied by the business by more than 25%, as the floor area exist on that date this Section takes effect.

TRANSFER OF OWNERSHIP OR CONTROL — of a sexually oriented business means and includes any of the following:

A. The sale, lease or sublease of the business.

B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.

C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

3. Classification. Sexually oriented businesses are classified as follows:

A. Adult arcades.

B. Adult bookstores, adult novelty stores or adult video stores.

C. Adult cabarets.

D. Adult motels.

E. Adult motion picture theaters.

F. Adult theaters.

G. Escort agencies.

H. Nude model studios.

I. Sexual encounter centers.

4. License Required.

A. It is unlawful:

(1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Borough pursuant to this Section.

(2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the Borough pursuant to the Section.

(3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Section.

B. An application for a license must be made on a form provided by the Borough.

C. All applicants must be qualified according to the provisions of this Section. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Borough to determine whether the applicant meets the qualifications established in this Section.

D. If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be

qualified under the following subsection and each applicant shall be considered a licensee if a license is granted.

E. The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

(a) An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age.

(b) A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited and a copy of the partnership agreement.

(c) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its State of incorporation, the names and titles of all officers, directors and principal stockholders and the name of the registered corporate agent and the address of the registered office for service of process.

(2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he or she must state the sexually oriented business's fictitious name and submit the required registration documents.

(3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this Section and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(4) Whether the applicant, or a person residing with the applicant, has had a previous license under this Section or other similar sexually oriented business ordinance from another municipality or County denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation and whether the applicant, or a person residing with the applicant, has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this Section whose license has been previously denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(5) Whether the applicant, or a person residing with the applicant, holds any other licenses under this Section or other similar sexually oriented business ordinance from another municipality or County and, if so, the names and locations of such other licensed businesses.

(6) The single classification of license for which the applicant is filing.

(7) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.

(8) The applicant's mailing address and residential address.

(9) A recent photograph of the applicant(s).

(10) The applicant's driver's license number, Social Security number and/or his/her State or Federally issued tax identification number.

(11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(12) A current certificate and straight-line drawing prepared within 30 days prior to the application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented business within 300 feet of the property to be certified, the property lines of any established religious institution/synagogue, school or public park or recreation area within 300 feet of the property to be certified. Fur purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(13) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or both of less than 150 square feet of floor space, films, video cassettes, other video reproductions or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Subsection (14).

F. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the Borough the following information:

(1) The applicant's name or any other name (including "stage" names) or aliases used by the individual.

(2) Age, date and place of birth.

(3) Height, weight, hair and eye color.

(4) Present residence address and telephone number.

(5) Present business address and telephone number.

(6) Date, issuing State and number of driver's permit or other identification card information.

(7) Social Security number.

(8) Proof that the individual is at least 18 years of age.

G. Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:

(1) A color photograph of the applicant clearly showing the applicant's face and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.

(2) A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated, or is seeking to operate, in this or any other County, Borough, State or country has ever had a license, permit or authorization to do business denied, revoked or suspended or has any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name, the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

(3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this Section and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

5. Issuance of License.

A. Upon the filing of said application for a sexually oriented business employee license, the Borough shall issue a temporary license to said applicant. The application shall then be referred to the appropriate Borough departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within 30 days from the date the completed application is filed. After the investigation, the Bor-

ough shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(2) The applicant is under the age of 18 years.

(3) The applicant has been convicted of a "specified criminal activity" as defined in this Section.

(4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or State law, statute, rule or regulations or prohibited by a particular provision of this Section.

(5) The applicant has had a sexually oriented business employee license revoked by the Borough within two years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Subsection (10).

B. A license granted pursuant to this subsection shall be subject to annual renewal upon the written application of the applicant and a finding by the Borough that the applicant has not been convicted of any specified criminal activity as defined in this Section or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of a fee as set forth in Subsection (6).

C. Within 30 days after receipt of a completed sexually oriented business application, the Borough shall approve or deny the issuance of a license to an applicant. The Borough shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the findings is true:

(1) An applicant is under 18 years of age.

(2) An applicant or a person with whom applicant is residing is overdue in payment to the Borough of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business.

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(4) An applicant or a person with whom the applicant is residing has been denied a license by the Borough to operate a sexually oriented business within the preceding 12 months or whose license to operate a sexually oriented business has been revoked within the preceding 12 months.

(5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this Section.

(6) The premises to be used for the sexually oriented business have not been approved by the Health Department, Fire Department and the building official as being in compliance with applicable laws and ordinances.

(7) The license fee required by this Section has not been paid.

(8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provision of this Section.

D. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Subsection (3). All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

E. The Health Department, Fire Department and the building official shall complete their certification that the premises is in compliance or not in compliance within 20 days of receipt of the application by the Borough.

F. A sexually oriented business license shall issue for only one classification as found in Subsection (3).

G. In the event of a denial, the unsuccessful applicant shall have the right to present his application and pertinent information in support thereof to Borough Council, which shall render a decision within 60 days from the date of initial denial. In the event of a denial by Council, the matter shall be considered appealable to the Court of Common Pleas of Montgomery County in accordance with the Local Agency Law.

6. Fees.

A. Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a nonrefundable application and investigation fee in an amount to be established, from time to time, by resolution of Borough Council.

B. In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the Borough an annual nonrefundable license fee in an amount to be established, from time to time, by resolution of Borough Council within 30 days of license issuance or renewal.

C. Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual nonrefundable application, investigation and license fee in an amount to be established, from time to time, by resolution of Borough Council.

D. All license applications and fees shall be submitted to the Manager of the Borough.

E. These provisions apply only to establishments which make first application after the effective date of this Section.

7. Inspection. An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department Zoning Department or other Borough departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, during reasonable non-business hours. As referred to herein, such inspections are separate and apart from any right to enter granted by warrant or court order.

8. Expiration of License.

A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Subsection (5). Application for renewal shall be made at least 30 days before the expiration date and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

B. When the Borough denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Borough finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

9. Suspension. The Borough shall suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:

A. Violated or is not in compliance with any subsection of this Section.

B. Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.

10. Revocation.

A. The Borough shall revoke a license if a cause of suspension in Subsection (9) occurs and the license has been suspended within the preceding 12 months.

B. The Borough shall revoke a license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process.

(2) A licensee has knowingly allowed possession, use or sale of controlled substances on the premises.

(3) A licensee has knowingly allowed prostitution on the premises.

(4) A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended.

(5) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises.

(6) A licensee is delinquent in payment to the Borough, County or State for any taxes or fees past due.

C. When the Borough revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the Borough finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

D. After denial of an application or denial of a renewal of an application or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

11. Transfer of License. A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

12. Location of Sexually Oriented Businesses.

A. Sexually oriented businesses are a conditional use permissible in any district in which the specific location criteria, as set forth in this subsection, are met, along with the criteria for conditional uses generally. The application for conditional use approval shall be made as in the usual course for all conditional use applications and the criteria for conditional uses as set forth

in the Borough Zoning and Land Development Ordinances [Chapter 22] shall apply, along with the specific requirements of Subsection (C) herein.

B. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business which violates any one or combination of the specific location requirements set forth herein.

C. A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business within 300 feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(2) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities, school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

(3) A boundary of a residential district as defined in this Chapter.

(4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the Borough which is under the control, operation or management of the Borough park and recreation authorities.

(5) The property line of a lot devoted to a residential use as defined in this Chapter.

(6) An entertainment business which is oriented primarily towards children or family entertainment.

(7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.

D. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 300 feet of another sexually oriented business.

E. A person commits a misdemeanor if that person causes or permits the operation, establishment or maintenance of more than one sexually oriented

business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof, containing another sexually oriented business.

F. For the purpose of Subsection (B) hereof, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection (B). Presence of a Borough, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this subsection.

G. For purposes of Subsection (C), the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

H. Any sexually oriented business lawfully operating on the date of enactment of this Section shall be deemed a nonconforming use. Such nonconformity shall not be the basis for expansion of any such use or establishment. There shall be no expansion of any such use or establishment, as defined herein. No existing business may be modified to include any enumerated adult use as set forth herein, beyond the use that existed on the date this Section was enacted. Any cessation of business for more than 30 days shall end such nonconforming use, as will any transfer of ownership.

13. Additional Regulations for Adult Motels.

A. Evidence that a sleeping room in a hotel, motel or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Section.

B. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, he rents or subrents the same sleeping room again.

C. For purposes of this subsection, the term “rent” or “subrent” means the act of permitting a room to be occupied for any form of consideration.

14. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms.

A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room

of less than 150 square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Borough may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Borough.

(4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the licensee to ensure that the view area specified in Subsection (5) above remains unobstructed by any doors, curtains, partitions, wall, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which

patron will not be permitted in the application filed pursuant to Subsection (1) above.

(7) No viewing room may be occupied by more than one person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level.

(9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.

B. A person having a duty under Subsections (A)(1) through (A)(14) above commits a misdemeanor if he knowingly fails to fulfill that duty.

15. Additional Regulations for Escort Agencies.

A. An escort agency shall not employ any person under the age of 18 years.

B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

16. Additional Regulations for Nude Model Studios.

A. A nude model studio shall not employ any person under the age of 18 years.

B. A person under the age of 18 years commits an offense if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to the public view or visible to any other person.

C. A person commits an offense if the person appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

D. A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

17. Additional Regulations Concerning Public Nudity.

A. It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.

B. It shall be a misdemeanor for a person who knowingly or intentionally, in a sexually oriented business, appears in a seminude condition unless the person is an employee, while seminude, shall be at least 10 feet from any patron or customer and on a stage at least two feet from the floor.

C. It shall be a misdemeanor for an employee, while seminude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is seminude in a sexually oriented business.

D. It shall be a misdemeanor for an employee, while seminude, to touch a customer or the clothing of a customer.

18. Prohibition Against Children in a Sexually Oriented Business. A person commits a misdemeanor if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.

19. Hours of Operation. No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekdays and Saturdays and 1:00 a.m. and 12:00 p.m. on Sundays.

20. Exemptions.

It is a defense to prosecution under Subsection 17 that a person appearing in a state of nudity did so in a modeling class operated:

A. By proprietary school, licensed by the Commonwealth of Pennsylvania, a college, junior college or university supported entirely or partly by taxation.

B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

C. In a structure:

(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.

(2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

(3) Where no more than one nude model is on the premises at any one time.

21. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Subsection (12) of this Section is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of $200 or 30 days imprisonment. Each day a sexually oriented business so operates is a separate offense or violation.

(Ord. 922, 9/17/1996, Art. IV, §410; as added by Ord. 951, 12/18/2000)

§27-412. Lighting Criteria Applicable to All Zoning Districts.

1. Purpose and Intent. The purpose of this Section is to regulate the placement, orientation, distribution patterns, and fixture types of exterior lighting. Furthermore it is the intent of this Section to:

A. Provide for and control lighting in outdoor public spaces where public health, safety, and welfare are potential concerns.

B. Protect drivers and pedestrians from the glare of nonvehicular light sources that shine into their eyes and thereby impair safe traverse.

C. Protect neighbors from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.

D. Protect and retain the intended character of Ambler Borough.

E. Minimize or eliminate wasted and excessive outdoor lighting to promote energy efficiency and protect the environment.

2. Applicability.

A. This Section applies to all uses where there is interior or exterior lighting that creates a nuisance or hazard, including, but not limited to, residential, commercial, office, industrial, institutional, recreational, and institutional uses, and sign, architectural and landscape lighting.

B. Temporary seasonal decorative lighting is exempt from all but the glare-control and lighting intensity requirements of this Section.

C. Emergency lighting, as may be required by any public agency while engaged in the performance of its duties, is exempt from the requirements of this Section.

D. Exterior lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is a public assembly and traverse, including but not limited to the following uses: multifamily residential, commercial, office, industrial, public-recreational, and institutional.

E. Borough Council may require that lighting be incorporated for other uses or locations, as it deems necessary.

F. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape, and residential lighting.

3. Definitions. The following terms, when used in this Section, shall be defined as follows:

AUTOMATIC DAYLIGHT SHUTOFF — a photocell device that automatically prevents operation of a fixture during daylight hours.

DIRECT LIGHT — light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the reflector or diffuser lens, of a luminaire.

ENERGY-STAR QUALIFIED LIGHTING — lighting which uses 1/3 the energy of traditional lighting, with bulbs lasting at least 10,000 hours. Energy-star-qualified lighting is labeled as such by the federal government (U.S. EPA and Department of Energy).

EXTERIOR (OUTDOOR) LIGHTING — the nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

FIXTURE — the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

FLOOD LIGHT — a bright, wide-angled light source.

FOOTCANDLE — a unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.

FULL CUTOFF — attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture.

FULLY SHIELDED — attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

GLARE — the sensation produced by lighting that causes an annoyance, discomfort, or loss in visual performance and visibility to the eye.

HEIGHT OF LUMINAIRE — the height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

ILLUMINANCE — quantity of light on an area, measured in footcandles (1 footcandle = 1 lumen per square foot).

INDIRECT LIGHT — direct light that has been reflected or has scattered off of other surfaces.

LAMP — the component of a luminaire that produces the actual light.

LIGHT TRESPASS — the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

LUMEN — a unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Section, the lumen-output values shall be the initial lumen output ratings of a lamp.

LUMINAIRE — a complete lighting system, including a lamp or lamps and a fixture.

MOUNTING HEIGHT — the height of a lighting fixture, measured from mean grade to the highest point of the fixture emitting light.

SECURITY LIGHTING — lighting intended to enhance the security of the premises. Security lighting is permitted to remain on between the hours of 11:00 p.m. and 6:00 a.m. even if on-site activities do not occur during that period.

SPOTLIGHT — any light fixture or lamp that incorporates a reflector or a refractor to concentrate light output into a directed beam in a particular direction.

STREETLIGHT — a lighting fixture, mounted on a pole, which provides light along a street. It shall consist of a pole, head, arm, lamp, photocell, mounting bracket and fixture.

TEMPORARY OUTDOOR LIGHTING — the specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven days, with at least 180 days passing before being used again.

UNIFORMITY RATIO — the variation of illuminance over an area. For the purposes of this Section, the "uniformity ratio" will be calculated by comparing the average illuminance to the minimum illuminance.

4. Criteria.

A. Illumination Levels.

(1) Lighting, where required by this Section, shall have intensities and uniformity ratios that comply with the table below. [These are in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook (most recent publication).]

Area or Land Use	Illuminance (footcandle)	Uniformity Ratio (average/min)
Arterial road	2 maximum, 1.6 average	3/1
Collector road	1.5 maximum, 1.1 average	4/1
Residential road	1 maximum, 0.8 average	6/1
High density commercial (community shopping center)	3 maximum, 2.5 average	4/1
Low density commercial (village style)	1.5 maximum, 1 average	4/1
Residential	0.75 max., 0.5 average	6/1

(2) Future amendments to said recommended practices shall become a part of this Section without further action of the Borough.

B. Lighting Fixture Design and Placement.

(1) Fixtures shall be of a type and design appropriate to the lighting application, and aesthetically acceptable to Borough Council based on the recommendation of the Planning Commission and Borough Engineer.

(2) For lighting predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, culs-de-sac, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria (attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture, and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture, not more than 2.5% of their light output emitted above 90° at any lateral angle around the fixture). Except for those containing directional lamps, fixtures with an aggregate rated lamp output not exceeding 500 lumens, (e.g., the rated output of a standard nondirectional forty-watt incandescent lamp) are exempt from the requirements of this paragraph [Marlborough].

(3) For the lighting of predominantly nonhorizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens (e.g., the rated output of a standard nondirectional forty-watt incandescent lamp) are exempt from the requirements of this paragraph.

(4) Fixtures shall be equipped with or be capable of being back-fitted with light-directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

(5) Streetlights in residential developments, when provided by a developer, shall conform with the specifications for luminaire, pole, connection, etc., as specified by §27-412.5. The developer shall also warrant all parts and associated labor for a period of 18 months.

(6) Fixtures shall not exceed a mounting height of 20 feet.

(7) Illuminance Under Outdoor Canopies. All fixtures utilized beneath canopies shall be flush-mounted fixtures, recessed into the canopy it-

self. All lighting shall be accomplished utilizing flat-lens full cutoff style fixtures, aimed straight down. Canopies themselves shall not be illuminated. Outdoor canopies include, but are not limited to, fueling stations associated with convenience stores and service stations, financial establishments where a drive-through kiosk is proposed, and exterior canopies above store fronts in shopping centers.

C. Control of Nuisance and Disabling Glare.

(1) All outdoor lighting, whether or not required by this Section, on private, residential, commercial, industrial, municipal, recreational, or institutional property, shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to present a nuisance glare concern to neighboring properties.

(2) Directional fixtures such as floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway.

(3) Unless otherwise permitted by Borough Council, e.g., for safety or security, lighting shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit extinguishing offending sources between 11:00 p.m. and dawn to mitigate nuisance glare.

(4) Where all-night safety or security lighting is to be provided, the lighting intensity levels shall not exceed 25% of the levels normally permitted by this Section for the use. All fixtures designated as nonsecurity fixtures shall be extinguished between the hours of 11:00 p.m. and 6:00 a.m., unless on-site activities persist during those hours.

(5) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(6) Projection onto adjacent properties. Intensity of illumination projected onto any property line shall not exceed 0.1 vertical footcandle, except where a drive intersects with a street; intensities shall not exceed 0.5 footcandle, measured at grade at the common property line.

(7) Except as permitted for certain recreational lighting, fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of 16 feet above finished grade. Fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of 20 feet above finished grade. For

recreational lighting maximum mounting height requirements, refer to the Subdivision and Land Development Ordinance Section under "Recreational Uses."

(8) Only the United States and the state flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.

D. Installation.

(1) All electrical feed wiring and conduit shall be run below finished grade, as required by code.

(2) Lighting standards in parking areas shall be placed a minimum of five feet outside of curb, or mounted on a thirty-inch-high pedestal. Fixtures located in central areas of parking facilities shall be mounted on a thirty-inch-high concrete pedestal.

E. Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to comply with this Section.

F. Energy-Efficient Lighting. The Borough encourages energy conservation, cost savings, and environmental preservation through use of the following external lighting tools:

(1) Energy-Star qualified lamps.

(2) Automatic daylight shutoff switches to extinguish or dim lighting when there is ample natural (solar) lighting

(3) Motion-activated lighting which shuts off automatically.

5. Fixture Placement in Residential Developments.

A. Streetlighting fixtures in residential developments shall be placed at the following locations:

(1) At the intersection of public roads with entrance roads to the proposed development.

(2) Intersections involving proposed public or nonpublic primary distributor streets within the proposed development.

(3) At the apex of the curve of any primary distributor street, public or nonpublic, within the proposed development, having less than a three-hundred-foot minimum centerline radius.

(4) Cul-de-sac bulb radii.

(5) Terminal ends of center median islands having concrete-structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 miles per hour or greater.

6. Post-Installation Inspection. The Borough reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Section, and if appropriate, to require remedial action at no expense to the Borough.

7. Compliance Monitoring.

A. Safety Hazards.

(1) If the Borough judges that a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.

(2) If appropriate corrective action has not been effected within 30 days of notification, the Borough may levy a fine for as long as the hazard continues to exist.

B. Nuisance Glare and Inadequate Illumination Levels.

(1) When the Borough judges that an installation produces unacceptable levels of nuisance glare, excessive or insufficient illumination levels or otherwise varies from this Section, the Borough may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.

(2) If the infraction so warrants, the Borough may act to have the problem corrected as in §27-412.7A(2) above.

C. Nonconforming Lighting. Any lighting fixture or lighting installation existing on the effective date of this Section that does not conform with the requirements of this Section shall be considered as a lawful nonconformance. A nonconforming lighting fixture or lighting installation shall be made to conform with the requirements of this Section when:

(1) The nonconformance is deemed to create a safety hazard.

(2) It is replaced by another fixture or fixtures or abandoned or relocated.

(3) There is a change in use.

(Ord. 1022, 9/16/2008)

§27-413. Conditional Uses.

1. A conditional use is a use permitted by this Chapter with the approval of Borough Council.

   A. Conditional Use Application. An application shall be submitted in writing to the Borough. It shall include as a minimum a tentative sketch plan indicating basically how the applicant intends to develop the property and sufficient data to document compliance with applicable standards of this Chapter. The Borough Council shall schedule a public hearing on said application within 60 days unless the time limit is waived in writing by the applicant.

   B. Borough Council has the sole responsibility for determining whether an applicant has satisfied the conditional use criteria set forth in these ordinances, and shall hold hearings on conditional use applications during which the application shall be considered in light of the general conditional use criteria set forth in this section, in addition to any more specific criteria set forth in other parts of the zoning ordinance that are relevant to the application. A conditional use application shall be forwarded to the Borough and Montgomery County planning commissions within fourteen days of receipt by the Borough, and the recommendations of those agencies shall be made a part of the record at the conditional use hearing. In addition to the express criteria set forth in the zoning ordinances, Council may attach such reasonable conditions and safeguards as are necessary to implement the purposes of this Chapter.

   C. Notice. A notice of the proposed conditional use shall be posted on the subject premises at least seven days before the hearing.

   D. Criteria. In addition to meeting the specific standards for the conditional use, the following criteria shall apply to all proposed conditional uses. The Borough Council may impose related conditions and safeguards deemed necessary to ensure compliance with the purpose and intent of this Chapter.

      (1) The use shall not be detrimental to or endanger the public health, safety or welfare.

      (2) The use shall not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

      (3) Adequate utilities, access roads, drainage facilities and/or other necessary infrastructure is present or will be provided.

(4) Adequate measures have been or will be taken to provide ingress and egress, designed to minimize congestion on public streets. A traffic impact study may be required by the Borough.

E. Burden of Proof.

(1) Specific Code Requirements. The applicant has the burden of persuasion and the duty to go forward with evidence with respect to the specific requirements of the Borough Code including:

(a) The requirement that the use be one permitted by conditional use.

(b) Specific requirements applicable to the conditional use.

(c) General requirements of the Borough Code including, but not limited to, lot areas and parking requirements.

(d) Specific public interest criteria of the Borough Code.

If the applicant meets this burden, a presumption will arise that the proposed use is consistent with the health, safety and welfare of the community.

(2) General Effect of the Proposed Use. Protestants, if they choose to participate, have the burden to present evidence to persuade the Board that the proposed use has a generally detrimental effect on the health, safety and welfare of the neighborhood or that it conflicts with the general policies outlined in this Chapter. Protestants must raise specific issues and establish a high degree of probability that the proposed use will have a substantially detrimental effect on the health, safety and welfare of the neighborhood. If protestants meet this burden, then the applicant must go forward and meet the burden of persuasion with regard to criteria relating to the general detrimental effect of the proposed use raised by the protestants.

(3) General Policy Concerns. With regard to general policy concerns outlined in this Chapter including, but not limited to, whether the application is in harmony with the spirit, intent and purpose of the ordinance, the burden of persuasion and duty to go forward fall on the protestants, if any.

F. Expiration of Conditional Use. Conditional use approvals shall expire 12 months after being granted unless the applicant obtains a use and occupancy permit or a building permit from the Borough Code Enforcement Officer relative to the conditional use, or unless the applicant obtains an extension of the grant of the conditional use by resolution of the Borough Council.

G. All hearings of Borough Council on a conditional use shall be stenographically recorded.

H. All adjudication on conditional use applications shall be in writing and contain findings and the reasons for the adjudication and shall be served upon all parties or their counsel of record personally or by mail.

I. Appeals from decisions of Borough Council shall not be to the Zoning Hearing Board but shall be to the Montgomery County Court of Common Pleas.

(Ord. 922, 9/17/1996, Art. IV, §412; as amended by Ord. 991, 8/15/2005)

§27-414. No-Impact Home-Based Business.

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.

E. The business activity must not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

(Ord. 922, 9/;17/1996; as added by Ord. 991, 8/15/2005)

§27-415. Flag Lots Prohibited.

1. Flag lots, as defined in §27-202 of this Chapter, are prohibited throughout the Borough in all zoning districts.

2. This Section shall be applicable to any subdivision application received by the Borough on or after the date on which this Section2 is published in a newspaper of general circulation for adoption.

3. The prohibition against flag lot development shall not be circumvented by situating the rear or interior lot to face any alley or other undedicated thoroughfare. All lots must have frontage on a Borough public street.

(Ord. 1005, 6/16/2007)

§27-416. Design Standards for Nonresidential Buildings.

No building shall be constructed or renovated in the likeness of any product, merchandise, or other inanimate object associated with business to be conducted therein. As examples, a building may not be constructed to resemble a coffee cup, doughnut, tire, milk bottle, animal, shoe, vehicle, person, or railroad car. Further, all buildings erected in any nonresidential zoning district shall comply with the following criteria, except that in the industrial district, any building erected for an industrial use does not need to comply with the following criteria although it must comply with the specific criteria for that district; and, excepting further, buildings in the Downtown Commercial-2 Zoning District are not required to meet the following criteria but must meet the specific criteria previously established for that district. Further, where a building is constructed in connection with the grant of a conditional use or special exception, Council or the Zoning Hearing Board, as applicable, may impose additional criteria not inconsistent with law.

A. Building Orientation and Entrances.

(1) The front facade of buildings shall be oriented towards a principle arterial as defined by the Borough's Subdivision and Land Development Ordinance [Chapter 22] or as determined by Borough Council, with an everyday public entrance in this front facade.

(2) All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.

[2] Editor's Note: Ordinance No. 1005.

(3) When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. Front facades shall front on a principle arterial as defined by the Borough's Subdivision and Land Development Ordinance, unless Borough Council allows the front facade to face an existing side street, when the facade extends the existing commercial district along this existing side street.

B. Walls and Windows.

(1) Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front facade, including materials, colors, and details.

(2) The number of architectural treatments listed below shall be provided as followed: at least two for blank walls with a width of 30 feet or less, at least three for blank walls with a width of 30 to 50 feet, and at least four for blank walls with a width of 50 feet or more:

(a) Masonry (but not flat concrete block).

(b) Concrete or masonry plinth at the base of the wall.

(c) Belt courses of a different texture or color.

(d) Projecting cornice.

(e) Projecting metal canopy.

(f) Decorative tile work.

(g) Trellis containing planting.

(h) Medallions.

(i) Opaque or translucent glass.

(j) Artwork.

(k) Vertical/horizontal articulation.

(l) Lighting fixtures.

(m) An architectural element not listed above, as approved by Ambler Borough Council, that meets the intent.

(2) Windows.

(a) The ground floor front facades of buildings fronting a street shall consist of a minimum of 35% window area and a maximum of 75%, with views provided through these windows into the business. Ground floor windows shall be a minimum of 24 inches above the sidewalk.

(b) Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35% window area in the facade above the ground floor and a maximum of 75%.

C. Roofs. Roofs shall be in keeping with the character of adjacent buildings.

D. Building Character. New infill development shall generally employ building types that are compatible to the architecture of the area in their massing and external treatment.

E. Architectural Rhythm.

(1) New infill development shall also retain the architectural rhythm of building openings (including windows and entries) of the same block.

(2) New infill development shall also attempt to maintain the horizontal rhythm of main street facades by using a similar alignment of windows, floor spacing, cornices, awnings as well as other elements. This rhythm shall be achieved by aligning the top, middle, and base floors. Buildings shall have a distinct base at ground level using articulation or materials such as stone, masonry, or decorative concrete. The top level should be treated with a distinct outline with elements such as projecting parapet, cornice, or other projection.

F. Massing.

(1) Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.

(2) The massing of any facade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further. Massing variations every 30 feet or less is preferred. In the Office Campus District, this requirement only applies to frontages of 200 feet or more.

(3) Nonresidential buildings must have at least a three-to-five-foot break in depth in all street facades for every 50 feet of continuous facade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other ar-

chitectural treatments. In the Office Campus District, this requirement only applies to frontages of 200 feet or more.

(Ord. 1053, 1/18/2011)

PART 5

R-1 RESIDENTIAL DISTRICT

§27-501. Statement of Intent.

It is the intent of this district to promote the maintenance, stability and continued viability of the Borough's low density residential neighborhoods.

(Ord. 922, 9/17/1996, Art. V, §500)

§27-502. Use Regulations.

1. Permitted Uses.

   A. Single-family detached dwelling.

   B. Accessory uses, in compliance with §27-407.

   C. No-impact home-based business.

2. Special Exception Uses.

   A. Institutional Uses. The Zoning Hearing Board shall refer to the provisions of this Part when considering an application for any of the following:

      (1) Borough building and Borough use.

      (2) Public utility facility.

      (3) Recreational and community center building operated by a non-profit agency.

      (4) Church or other religious institution.

      (5) Public, parochial or private educational institution.

   B. Public park, playground and outdoor recreational area not operated commercially for profit.

(Ord. 922, 9/17/1996, Art. V, §501; as amended by Ord. 991, 8/15/2005)

§27-503. Dimensional Requirements.

1. Minimum lot area, 6,000 square feet.

2. Minimum lot width, 50 feet.

3. Minimum Yards.

   A. Front, 30 feet.

   B. Side, eight feet / 17 feet total.

   C. Rear, 25 feet.

4. Maximum building coverage, 30%.

5. Maximum impervious coverage, 45%.

6. Maximum height, 40 feet.

(Ord. 922, 9/17/1996, Art. V, §502; as amended by Ord. 988, 8/16/2004)

§27-504. Parking Requirements.

All parking shall meet the applicable provisions of Part 21.

(Ord. 922, 9/17/1996, Art. V, §503)

§27-505. Signs.

All signs shall meet the applicable provisions of Part 20.

(Ord. 922, 9/17/1996, Art. V, §504)

PART 6

R-1-A RESIDENTIAL DISTRICT

§27-601. Statement of Intent.

It is the intent of this District to:

A. Promote neighborhood conservation of certain areas of the Borough with distinctive architectural character or environmentally sensitive amenities.

B. Protect the integrity of these areas by stabilizing them and improving property values.

C. Encourage development that will be harmonious with the existing architectural or environmental character of the district.

(Ord. 922, 9/17/1996, Art. VI, §600)

§27-602. Use Regulations.

1. Permitted Uses:

   A. Single-family detached dwelling.

   B. Accessory uses, in compliance with §27-407, establishing definitions for and restrictions upon accessory uses.

   C. No-impact home-based business.

2. Special Exception Uses:

   A. The following institutional uses, which shall be governed by the provisions of Part 18 of this Chapter when considering an application for a special exception:

      (1) Borough building and Borough use.

      (2) Recreational and community center building operated by a non-profit agency.

      (3) Religious or philanthropic use, but excluding sanitarium, convalescent home and correctional or penal institution.

      (4) Public, parochial or private non-profit educational institution.

B. Public park, playground and outdoor recreational area not operated commercially for profit.

(Ord. 922, 9/17/1996, Art. VI, §601; as amended by Ord. 991, 8/15/2005)

§27-603. Dimensional Requirements.

1. Minimum lot area, 7,500 square feet.

2. Minimum lot width, 50 feet.

3. Minimum Yards:

   A. Front, 30 feet.

   B. Side, eight feet / 17 feet total.

   C. Rear, 25 feet.

4. Maximum building area, 30%.

5. Maximum impervious coverage, 45%.

6. Height Regulations. Forty feet, provided that if a variance is granted to permit the construction of a building in excess of 40 feet in height or in the case of an expansion at the same height of a building already exceeding 40 feet in height, all yard dimensions specified in §27-503A shall be increased by one foot for each three feet in height, or any portion thereof, by which the building or addition exceeds 40 feet in height.

(Ord. 922, 9/17/1996, Art. VI, §602; as amended by Ord. 988, 8/16/2004)

§27-604. (Reserved)[3]

§27-605. Parking Requirements.

In accordance with the provisions of Part 21.

(Ord. 922, 9/17/1996, Art. VI, §604)

[3] Editor's Note: Former §27-604, Private Garage, was repealed 8/16/2004 by Ord. 987.

§27-606. Signs.

Subject to provisions of Part 20.

(Ord. 922, 9/17/1996, Art. VI, §605)

PART 7

R-2 RESIDENTIAL DISTRICT

§27-701. Statement of Intent.

It is the intent of this district to maintain the character of the Borough's medium-density residential neighborhoods by permitting a mix of single-family detached and two-family dwellings.

(Ord. 922, 9/17/1996, Art. VII, §700)

§27-702. Use Regulations.

1. Permitted Uses.

   A. Any use permitted in the R-1 Residential District.

   B. Two-family dwelling, provided both units are constructed at the same time.

   C. Accessory uses, in compliance with §27-407.

   D. No-impact home-based business.

2. Special Exception Uses.

   A. Club or lodge, as defined in §27-202 and provided the principal activity is not one which is customarily conducted as a business and the services of which are provided for members and guests only.

   B. Residential conversions, in accordance with §27-408.

(Ord. 922, 9/17/1996, Art. VII, §701; as amended by Ord. 991, 8/15/2005)

§27-703. Dimensional Requirements.

1. Minimum lot area (square feet).

   A. Single-family detached unit, 5,000.

   B. Twin (per unit) and duplex, 3,500.

2. Minimum lot width (feet), 45.

3. Minimum Yards (feet).

A. Front, 25 feet.

B. Side.

(1) Single-family detached and duplex, side eight feet / 17 feet total.

(2) Twin – 12 (one side).

(3) Rear, 25 feet

4. Maximum building coverage, 40%.

5. Maximum impervious coverage, 60%.

6. Maximum height, 40 feet.

(Ord. 922, 9/17/1996, Art. VII, §702; as amended by Ord. 988, 8/16/2004)

§27-704. Parking Requirements.

In accordance with the provisions of Part 21.

(Ord. 922, 9/17/1996, Art. VII, §703)

§27-705. Signs.

In accordance with the provisions of Part 20.

(Ord. 922, 9/17/1996, Art. VII, §704)

PART 8

R-3 RESIDENTIAL DISTRICT

§27-801. Statement of Intent.

It is the intent of this district to:

A. Provide adequate legal recognition of existing development in portions of the Borough by establishing standards and guidelines for the subsequent modification and improvement which may be undertaken in such areas.

B. Encourage the logical and timely development of land for residential purposes in accordance with the objectives, policies and proposals of the Comprehensive Plan.

C. Permit a variety of housing on the landscape.

(Ord. 922, 9/17/1996, Art. VIII, §800)

§27-802. Use Regulations.

1. Permitted Uses.

   A. Any use permitted in the R-2 Residential District.

   B. Single-family attached dwellings.

   C. Playgrounds, parks and open spaces.

   D. Accessory buildings and uses, in accordance with §27-407.

   E. No-impact home-based business.

2. Special Exception Uses. Clubs or lodges, as defined in §27-202.

3. Conditional Uses.

   A. Low-intensity offices for educational, fraternal, professional, religious, or philanthropic institutions, subject to the following:

      (1) The procedures and standards relating generally to conditional use hearings as set forth elsewhere in this chapter are incorporated by reference.

(2) The proposed use must be of a low intensity, defined here as having a number of occupants, anticipated daily trip generation and overall impact on the neighborhood not inconsistent with the overall nature and character of the neighborhood. The building will be occupied almost exclusively by organizational employees with visits by the public, customers or clients being occasional and sporadic.

(3) The property must be one that is in the R-3 District and which also abuts any nonresidential zoning district.

(4) If the number of parking spaces required by this chapter for office use cannot be accommodated on site, there shall be a lease of at least ten years' duration for off-street parking at a location within 300 feet of the property.

(5) Notwithstanding any other provisions of this chapter to the contrary, signage shall be limited to a single sign of not greater than two feet in one direction and three feet in the other.

(Ord. 922, 9/17/1996, Art. VIII, §801; as amended by Ord. 991, 8/15/2005; and by Ord. 1011, 11/5/2007)

§27-803. Dimensional Requirements.

All dimensions are minimums, unless otherwise noted.

	Dwelling Type (B)			
	Single-Family Detached	Twin (Per Unit)	Duplex	Single-Family Attached
Lot Area (sq. ft.)	5,000	2,500	5,000	2,500
Lot Width (ft.)	45	20	40	20
Yards (ft.)				
Front	25	25	25	25
Side	8/17 total	6 (1 side)	8/17 total	(A)
Rear	25	25	25	25
Max. Building Coverage	40%	40%	40%	40%
Min. Landscape Area (% of lot)	0	0	0	0
Max. Height (ft.)	40	40	40	40

Notes:

A. The minimum side yard for single-family attached units shall be governed by §27-807(2) and (3), as applicable.

B. Maximum Impervious Coverage. For each of the dwelling types set forth in the chart in this Section, there shall be a maximum impervious coverage of 75%.

(Ord. 922, 9/17/1996, Art. VIII, §802; as amended by Ord. 944, 10/18/1999; and by Ord. 988, 8/16/2004)

§27-804. Utilities.

All development within this district shall be served by a public sanitary sewerage disposal system and by public water supply facilities. All new or extended utility lines serving new or expanded developments shall be placed underground whenever possible.

(Ord. 922, 9/17/1996, Art. VIII, §803)

§27-805. Signs.

As provided for and regulated in Part 20.

(Ord. 922, 9/17/1996, Art. VIII, §804)

§27-806. Landscaping.

1. Shade Trees. Landscaped planting areas shall be provided along all street frontages, in accordance with the street tree standards of the Subdivision and Land Development Ordinance [Chapter 22].

2. Buffer Area. Property line buffers shall be provided for single-family attached developments where they abut single-family detached uses or districts and where all residential developments will abut nonresidential uses or districts. The planted area shall be at least 10 feet in depth and conform with the buffer standards of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996, Art. VIII, §805)

§27-807. Additional Development Regulations for Single-Family Attached Developments.

1. Building Size. For all single-family attached units there shall be no more than six dwelling units in a continuous row for each building.

2. Distance Between Buildings. For developments where the individual lot requirements are not applicable under §27-803 and in the case of two or more buildings, the horizontal distance between any two buildings shall not be less than:

A. For any two exterior facing walls, the buildings of which are oriented front to front, front to rear, or rear to rear, the minimum distance apart shall be equal to 1 1/2 times the height of the taller building.

B. For any combination of exterior facing walls not qualifying under Subsection (A) above, the minimum distance apart shall be 1/2 the height of the taller building.

3. Setbacks. For developments where the individual lot requirements are not applicable under §27-803, the following minimum setbacks shall be provided:

A. From the district boundary line, 50 feet.

B. From a road legal right-of-way, 20 feet.

C. From any parking area, 20 feet.

4. Lighting Facilities. Lighting facilities shall be provided as needed and arranged in a manner which will protect roads and adjoining properties from direct glare or hazardous interferences of any kind. Lighting facilities are required for the safety and convenience of the residents of the development and shall be installed by the developer at his expense. Before installation is permitted, Borough Council shall have reviewed and given its approval of all specifications (size, type, arrangement) relating to all such outdoor lighting.

5. Parking.

A. All parking shall meet the applicable provisions of Part 21.

B. For parking areas of three or more spaces, the following setbacks shall be provided:

(1) From a district boundary line, 15 feet.

(2) From a road ultimate right-of-way line, 25 feet

C. For parking areas of 10 or more cars, at least 10% of the area shall consist of landscaping, in accordance with the parking lot landscaping standards of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996, Art. VIII, §806)

PART 9

MR – MIXED DWELLING RESIDENTIAL DISTRICT

§27-901. Statement of Intent.

It is the intent of this district to:

A. Encourage the development of compatible housing in conjunction with the preservation of land for park and recreational purposes, adjoining or near single family neighborhoods in the Borough.

B. To provide reasonable controls and standards of performance for single-family development and mixed dwelling developments, including townhouses, which provide the opportunity to preserve significant amounts of open space in order to maximize the future use of such sites for community use.

(Ord. 922, 9/17/1996, Art. IX, §900)

§27-902. Use Regulations.

1. Permitted Uses.

A. Single-family detached dwelling.

B. Townhouse, only as part of a mixed dwelling development in which the townhouses consist of no more than 45% of the total dwelling units.

C. Mixed dwelling type developments, including single-family detached dwellings, two-family dwellings, and townhouses.

D. Parks, playgrounds, and open spaces.

E. Accessory buildings and uses, in accordance with §27-407.

F. No-impact home-based business.

(Ord. 922, 9/17/1996, Art. IX, §901; as amended by Ord. 991, 8/15/2005)

§27-903. Development Regulations.

1. Ownership. The tract of land or the undeveloped portion thereof to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract or the undeveloped portion thereof. It shall be

agreed that the tract or the undeveloped portion thereof will be developed under single direction in accordance with an approved plan.

2. Minimum Tract Size. In the MR district, a minimum tract size of 10 acres is required.

3. Maximum Density. A maximum density of four units per gross acre is permitted.

4. Development Mix.

   A. Only single-family detached dwellings shall be permitted abutting single-family detached dwellings existing at the start of the project.

   B. Single-family detached dwellings shall constitute a minimum of 55% of all new dwelling units.

   C. In a development mix, townhouses shall constitute a minimum of 20% of the permitted density.

5. Sewer and Water Facilities. The tract shall be served by public water and sewer facilities.

6. Utilities. All utility service lines shall be installed underground throughout the development.

7. Parking:

   A. All parking shall meet the applicable provisions of Part 21

   B. The required spaces, when they are not an integral part of the building design, shall be arranged within a court or separate parking area(s), as deemed suitable by the Borough.

   C. For parking areas of three or more spaces, the following setbacks shall be provided:

      (1) From a district boundary line, 15 feet.

      (2) From a road ultimate right-of-way line, 25 feet.

   D. For parking areas of 10 or more cars, at least 10% of the area shall consist of landscaping, in accordance with the parking lot landscaping standards of the Subdivision and Land Development Ordinance [Chapter 22].

8. Signs. All signs shall meet the applicable provisions of Part 20.

9. Landscaping.

A. Shade Trees. Landscaped planting areas shall be provided along all street frontages, in accordance with the street tree standards of the Subdivision and Land Development Ordinance [Chapter 22].

B. Buffer Screens. Property line buffers shall be provided for single-family attached developments and mixed dwelling type developments where they abut single-family detached uses or districts and where all residential developments will abut nonresidential uses or districts. The planted area shall be at least 10 feet in depth and conform with the buffer standards of the Subdivision and Land Development Ordinance [Chapter 22].

10. Open Space Requirements.

A. A minimum of 35% of the gross acreage shall be set aside as open space land.

B. The land area to be permanently preserved as open space shall be located and shaped to be suitable for the purposes intended in the location. Consideration shall be given to contiguous portions of existing and potential open space lands in adjacent tracts.

11. Impervious Coverage. Maximum impervious building lot coverage is 45% for lots with single-family dwellings and 65% for single-family attached (townhouse) lots.

(Ord. 922, 9/17/1996, Art. IX, §902; as amended by Ord. 1054, 1/18/2011)

§27-904. Additional Development Regulations for Townhouse Developments.

1. Building Size. There shall be no more than six units in a continuous row and no more than three contiguous units and such units shall have a uniform setback from a right-of-way line or parking area. Such setback variation shall be a minimum of four feet.

2. Architectural Variety. There shall be within any contiguous group of townhouses varying architectural treatment having differences in design and uses of building materials.

3. Distance Between Buildings. The minimum horizontal distance between any two buildings shall be 25 feet.

4. Setbacks. Where individual yard requirements are not applicable, the following minimum building setbacks shall be used:

A. From the legal right-of-way line of any road, 25 feet.

B. From any parking area, 20 feet.

(Ord. 922, 9/17/1996, Art. IX, §903)

§27-905. Dimensional Requirements.

All dimensions are minimums, unless otherwise noted.

	Dwelling Type			
	Single-Family Detached	**Two (Per Unit)**	**Duplex**	**Single-Family Attached**
Lot Area (square feet)	6,000	2,500	4,000	2,500
Lot Width (feet)	50	20	40	20
Yard (feet)				
Front	30	20	20	5
Side	8/17 total	10 (1 side)	8/17 total	(A)
Rear	25	25	25	25
Max. Building Coverage	30%	40%	40%	50%
Max. Height (feet)	40	40	40	40

A. The minimum side yard for single-family attached units shall be governed by §27-904(3) and (4), as applicable.

(Ord. 922, 9/17/1996, Art. IX, §904)

PART 10

(RESERVED)[4]

[4] Editor's Note: Former Part 10, MA – Mid-Rise Apartment District, adopted as Article X of Ord. 922, was repealed by Ord. 1015-1, 1/22/2008.

PART 11

GA – GARDEN APARTMENT DISTRICT

§27-1101. Statement of Intent.

It is the intent of this district to:

A. Encourage the logical and timely development of land for garden apartment purposes in accordance with the objectives, policies and proposals of the Comprehensive Plan.

B. Permit a variety of housing which conforms to the intent of the Comprehensive Plan and this Chapter.

C. Ensure the suitable design of garden apartments in order to protect the surrounding environment of adjacent and nearby neighborhoods.

D. Ensure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed.

(Ord. 922, 9/17/1996, Art. XI, §1100)

§27-1102. Use Regulations.

1. Permitted Uses.

   A. Apartment house or group of apartment houses.

   B. Playgrounds, parks and open spaces.

   C. Accessory uses, in compliance with §27-407.

2. Special Exception Uses. Shopping facility, provided that no trade or business is noxious or hazardous. If the shopping facility is located in a building within the center which contains apartments, the apartment units shall be adequately buffered from noise, vibration and any condition which is detrimental to the proper use of the apartment. If the shopping facility is located in the center in a separate building, it shall be buffered from the other buildings by a permanent landscaped planting area designed to screen it from the view of the apartment building. Parking provisions in addition to those specified below shall be required for each commercial use in accordance with Part 21.

(Ord. 922, 9/17/1996, Art. XI, §1101)

§27-1103. Development Regulations.

1. Area of Tract. A minimum of four acres shall be provided for every area to be used in whole or in part as a garden apartment district.

2. Density. A maximum of 15 units per developable acre is permitted.

3. Open Space. The developer shall be required where possible to preserve or incorporate natural features such as woods, streams and open space areas, which add to the overall cohesive development of the garden apartment and overall community development. However, all conditions deemed hazardous by the borough, including natural features hazards, are to be eliminated, or all precautions deemed appropriate by the Borough to reduce the hazard, are to be taken by the developer.

4. Building Coverage. Not more than 25% of the area used for a garden apartment may be occupied by buildings.

5. Setbacks.

   A. From the legal right-of-way of all streets, 50 feet.

   B. From property lines, 75 feet.

6. Distance Between Buildings. The horizontal distance measured in feet between parallel elements of buildings forming courts and courtyards shall not be less than twice the height of the taller building.

7. Parking. Two off-street parking spaces shall be provided for each apartment unit. Parking areas shall be a minimum of 25 feet from legal rights-of-way, property lines and from the nearest building.

8. Building Height. No building shall exceed 40 feet in height or three stories (excluding basements), whichever is greater. Any buildings in excess of 35 feet in height shall provide an additional one foot of setback for each additional one foot of height.

9. Utilities. All buildings shall be served by a public sanitary sewage disposal system and public water supply or available public utilities. All utility lines shall be placed underground.

10. Lighting Facilities. Lighting facilities shall be provided where deemed necessary for the safety and convenience of apartment residents. Lighting facilities provided shall be arranged in a manner which protects abutting roads and properties from unreasonable glare or hazardous interference of any kind.

11. Planting Buffer. All development shall provide a permanent landscaped planting area of at least 10 feet in depth along all property lines. The property line buffer shall be designed in accordance with the applicable requirements of the Subdivision and Land Development Ordinance [Chapter 22].

12. Signs. All signs shall meet the applicable provisions of Part 20.

13. Impervious Coverage. Maximum impervious building lot coverage is 40%.

(Ord. 922, 9/17/1996, Art. XI, §1102; as amended by Ord. 1054, 1/18/2011)

PART 12

HE – HOUSING FOR THE ELDERLY DISTRICT

§27-1201. Statement of Intent.

It is the intent of this district to:

A. Establish reasonable standards and promote the desirable benefits which will follow the development of safe and adequate housing for the elderly.

B. Set forth a variety of standards which will be appropriate for the various zoning districts in which housing for the elderly is proposed and which will ensure that such development will provide appropriate safety features pertinent to the needs of prospective residents, as well as access to community facilities and services that can enhance the quality of the development.

(Ord. 922, 9/17/1996, Art. XII, §1200)

§27-1202. Use Regulations.

Permitted Uses. When authorized as a conditional use by Borough Council in the GA, Commercial, Institutional, Office or MA districts.

A. Apartments intended for occupancy solely by elderly residents as defined in this Part.

B. A commissary or food store and other personal service shops or facilities when located within a principal residential building and provided such facilities are solely for the use of the tenants of the development.

C. Meeting rooms and indoor recreational and service areas for the use of the residents of the development.

D. Parks and open space.

E. Accessory buildings and uses, in accordance with §27-407.

(Ord. 922, 9/17/1996, Art. XII, §1201)

§27-1203. Development Regulations.

1. General Regulations.

A. Ownership. The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed jointly by the owners of the entire tract.

B. Unit Occupancy. The developer shall file with the Borough a covenant, running with the land and endorsed by the Borough Solicitor, in which the owner shall covenant on behalf of himself, his heirs, executors and assigns not to use the development for any other use than housing for the elderly and in ancillary facilities. Housing for the elderly is defined as housing for persons 62 years of age or older or married couples one of whom has reached the age of 62.

2. Dimensional Requirements. All dimensions are minimums, unless otherwise noted.

	District		
	GA/MA Institutional	Commercial	Office
Tract Size (acres)	2	1	1
Max. Density	24	50	24
Max. Building Coverage	20%	25%	20%
Building Setbacks (feet)			
Road Legal Right-of-Way	50	30	50
Rear Property Line	50	25	30
Side Property Line	50	25	25
Parking Setbacks (feet)			
Road Legal Right-of-Way	25	25	25
Side/Rear Property Lines	25	15	15
Max. Height (feet)	55	65	55
Required Open Space	20%	15%	20%

3. Parking. A minimum of one off-street parking spaces must be provided for each dwelling unit. In the case of a community sponsored citizens' service organization which will attract members who are not residents of the development, one additional space shall be provided for each 800 square feet of floor area devoted to the use.

4. Utilities. All utility lines serving the proposed development shall be placed underground.

5. Distance Between Buildings. In the case of two or more buildings, the horizontal distance measured in feet between the buildings shall not be less than the following:

A. For any two exterior facing walls, neither of which has any glassed window area from living or bedrooms, the minimum distance apart shall be 1/2 the height of the taller building.

B. For any two exterior facing walls, the buildings of which are oriented side to side, minimum distance apart shall be 1/2 the height of the taller building.

C. For any two exterior facing walls, the buildings of which are oriented front to front, front to rear, rear to rear (and not qualifying under Subsection A above, minimum distance apart shall be equal to one and 1/2 times the height of the taller building.

D. For any two exterior facing walls, the buildings of which are oriented front to side or rear to side, the minimum distance apart shall be equal to the height of the taller building.

E. For the purposes of this district, all rectilinear buildings will be designated with not less than one front wall and one rear wall. Circular buildings shall have a front side only. Distances shall be measured from the closest points of each building.

6. Minimum Dwelling Unit Requirements. Not more than 20% of the units may contain a maximum of two bedrooms for 12 units. Each unit having one bedroom shall contain a minimum of 600 square feet of floor area and each efficiency unit shall contain a minimum of 450 square feet of floor area.

7. Safety Features. A proposed development in this district shall comply with the safety standards for housing for the elderly as contained in the Minimum Property Standards, Volume II, 1973, or as amended, issued by the Department of Housing and Urban Development.

8. Signs. All signs shall comply with the requirements for the applicable district in which the use is proposed.

(Ord. 922, 9/17/1996, Art. 12, §1202; as amended by Ord. 941, 2/15/1999, §4)

PART 13

C – COMMERCIAL DISTRICT

§27-1301. Statement of Intent.

It is the intent of this district to:

A. Provide for the orderly development of a major business and commerce area of the Borough, consistent with the Comprehensive Plan.

B. Reestablish South Ambler as a focal point for employment opportunities.

C. Encourage a uniformity of design to ensure the orderly arrangement of land uses and buildings.

(Ord. 922, 9/17/1996, Art. XIII, §1300; as amended by Ord. 975, 3/18/2003, §1)

§27-1302. Use Regulations.

1. Permitted Uses.

A. Retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, plants, furnishings or other household supplies, sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.

B. Business or professional office or studio, bank or other financial institution, Borough use, excluding dump, telephone central office, telegraph or other public utility office, passenger station for public transportation.

C. Office buildings.

D. Restaurant, bar, tearoom, retail baker, confectionary or ice cream shop or places serving food or beverages.

E. Personal service shop, including tailor, barber, beauty salon, shoe repair, dressmaking or other similar service.

F. Indoor theater or bowling alley.

G. Newspaper publishing, job printing.

H. Hotel or motel.

I. Parking lot in accordance with §27-1305.

J. Accessory uses, in accordance with §27-407 of this Chapter and provided that the presence of more than three of any combination of devices and machines permitted as a special exception under this Section shall not be considered an accessory use. Accessory use as customarily incidental to the permitted use by special exception.

2. Special Exception Uses.

A. Laundry or dry cleaning establishment.

B. Other places of indoor amusement or recreation.

C. Outdoor storage facilities.

D. Any use of the same general character as any of the uses specifically permitted in this Section without requirement of s special exception.

3. Conditional Uses. In accordance with the regulations of §27-1304 and §27-413 (Conditional Uses), the following may be permitted as a conditional use.

A. Gasoline station with or without automobile servicing and/or mini-market.

B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.

C. Live or recorded entertainment, such as a performing arts facility.

(Ord. 922, 9/17/1996, Art. XIII, §1301; as amended by Ord. 941, 2/15/1999, §3; as amended by Ord. 975, 3/18/2003, §§3,4)

§27-1303. Dimensional Requirements.

1. Minimum lot area (permitted and special exception uses), 1,500 square feet.

2. Maximum building area, 80%.

3. Height regulations, 40 feet, except that the Zoning Hearing Board may approve an increase to a maximum of 70 feet, provided the Board determines that any excess height over 40 feet will not be detrimental to the light, air, privacy or architectural scheme of any other structure or use currently existing or anticipated and that for every foot of height in excess of 40 feet an additional one foot shall be added to each yard setback.

(Ord. 922, 9/17/1996, Art. XIII, §1302)

§27-1304. Conditional Use Standards.

The following requirements shall be met for the applicable use permitted by §27-1302(3):

A. Gasoline stations with or without automobile servicing and/or mini-market.

(1) Minimum lot area, 1/2 acre.

(2) All servicing and parts storage shall take place in an enclosed building.

(3) All required parking shall be provided on the premises.

(4) No unregistered or unlicensed vehicles are permitted on the premises.

(5) No vehicle sales or rentals are permitted.

(6) Vehicles awaiting repair shall not be stored outdoors for more than one week.

B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.

(1) Minimum lot area, 10,000 square feet.

(2) The requirements of §27-1504 (Development Regulations) and §27-1505 (Performance Standards) shall be met.

(3) All assembly/repair work shall take place within an enclosed building.

(4) No outdoor storage is permitted.

C. Live or Recorded Entertainment.

(1) Shall not be less than 500 feet from another live or recorded musical entertainment use.

(2) All activities shall take place indoors.

(3) Hours of operation, 9:00 a.m. to 2:00 a.m.

(4) A maximum of four coin-operated entertainment devices or machines are permitted (such as a video game or pinball machine).

(Ord. 922, 9/17/1996, Art. XIII, §1304)

§27-1305. Parking Requirements.

All parking facilities may be provided in accordance with the general provisions of Part 21 of this Chapter. In addition, the following regulations shall apply to commercial uses:

A. Off-street parking facilities may be provided on the periphery of the Commercial District.

B. Off-street parking facilities are subject to the following provisions:

(1) Off-street parking spaces may be grouped in facilities serving more than one lot or establishment.

(2) Parking garages may be above or below ground. Above ground garages shall be in the rear yard and architecturally compatible with other improvements developed on the site and immediate area.

(Ord. 922, 9/17/1996; as added by Ord. 975, 3/18/2003, §5)

PART 14

O – OFFICE DISTRICT

§27-1401. Statement of Intent.

It is the intent of this district to:

A. Provide for the orderly development of an office area of the Borough in accordance with the goals, policies and proposals of the Comprehensive Plan.

B. Ensure the suitable design of office buildings, parking areas and all related construction hereafter proposed for the district.

(Ord. 922, 9/17/1996, Art. XIV, §1400)

§27-1402. Use Regulations.

1. Permitted Uses. Any of the following uses, the normal attributes of which do not involve the warehousing, exchange or transfer of merchandise on the premises, except as specifically provided for accessory uses:

A. On lots of the minimum area specified in §27-1403(1).

(1) Offices for the following uses:

(a) Administrative.

(b) Professional.

(c) Service.

(d) Sales and commercial.

(2) Studio for instruction of music and other arts.

(3) Accessory uses, in compliance with §27-407 of this Chapter. In addition, a newsstand, snack bar or similar establishment permitted as an accessory use shall not provide tables or chairs or other seating facilities for the general public and shall be within the interior of the principal building but not exceed 5% of the ground floor area.

B. On lots of the minimum area specified in Subsection (2).

(1) A use permitted in Subsection (1) above.

(2) Banking and other financial institutions.

(3) Medical office or clinic.

(4) Public and private educational institution.

(5) Civic uses, including a library or museum.

(6) Laboratory for scientific, agricultural or industrial research and development.

(7) Religious and philanthropic uses, excluding correctional or penal institution.

(8) Borough use, excluding dump or storage garage.

(9) Retail establishment for the sale of stationery, gifts, confectionary, clothing, drugs, sale and repair of jewelry, clocks, optical goods or musical instruments; provided, that the use(s) occupies no more than 10% of the total building floor area.

(10) Personal service shop, including barber, beauty salon, shoe repair, tailor, dressmaking, dry cleaning and laundry service; provided, that the use(s) occupies no more than 10% of the total building floor area.

2. Conditional Uses. The following may be permitted as a conditional use, in accordance with the provisions of §§27-1406 and 27-413 (Conditional Uses).

A. Gasoline station with or without automobile servicing and/or mini-market.

B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.

(Ord. 922, 9/17/1996, Art. XIV, §1401)

§27-1403. Dimensional Requirements.

1. For uses in §27-1402(1)(A):

A. Minimum lot size, 5,000 square feet.

B. Minimum lot width at the building setback line, 50 feet.

2. For uses permitted in §27-1402(1)(B):

A. Minimum lot size, 10,000 square feet.

B. Minimum lot width at the building setback line, 100 feet.

3. Minimum Yards.

A. Front, 15 feet.

B. Side, eight feet/20 feet total.

C. Rear, 15 feet.

D. From abutting use or district, 30 feet.

4. Maximum building coverage, 60%.

5. Floor area ratio, 60%.

6. All uses district maximum impervious surface, 80%.

(Ord. 922, 9/17/1996, Art. XIV, §1402; as amended by Ord. 988, 8/16/2004)

§27-1404. Parking.

All parking shall meet the applicable provisions of Part 21.

(Ord. 922, 9/17/1996, Art. XIV, §1403)

§27-1405. Trash and Refuse Facilities.

All uses in this district shall provide for the safe and sanitary storage of trash, refuse and garbage either inside the building or outdoors. Outdoor storage areas shall be screened through the use of an opaque wall, at least six feet in height but in no case higher than 10 feet, surrounding the storage area.

(Ord. 922, 9/17/1996, Art. XIV, §1404)

§27-1406. Conditional Use Standards.

The following requirements shall be met for the applicable use permitted by §27-1402(2):

A. Gasoline stations with or without automobile servicing and/or mini-market.

(1) Minimum lot area, 1/2 acre.

(2) Maximum building area, 80%.

(3) Height regulations, see §27-1303(3).

(4) All servicing and parts storage shall take place in an enclosed building.

(5) All required parking shall be provided on the premises.

(6) No unregistered or unlicensed vehicles are permitted on the premises.

(7) No vehicle sales or rentals are permitted.

(8) Vehicles awaiting repair shall not be stored outdoors for more than one week.

B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.

(1) Minimum lot area, 10,000 square feet.

(2) The requirements of §27-1504 (Development Regulations) and §27-1505 (Performance Standards) shall be met.

(3) All assembly/repair work shall take place within an enclosed building.

(4) No outdoor storage is permitted.

(Ord. 922, 9/17/1996, Art. XIV, §1405)

PART 15

I – INDUSTRIAL DISTRICT

§27-1501. Statement of Intent.

It is the intent of this Part to:

A. Recognize that residences and light industrial uses coexist in an area zoned light industrial and to therefore provide performance standards, setback regulations and buffering requirements to ensure that the type and scale of industrial development will be compatible with the neighboring residential development.

B. Provide for the orderly development and redevelopment of a variety of non-polluting, small-scale industries and offices and prohibit the development of noxious, offensive and nuisance industries.

(Ord. 922, 9/17/1996, Art. XV, §1500)

§27-1502. Use Regulations.

1. Permitted Uses.

A. Any use permitted in the C – Commercial District except hotel or motel, rooming house, tourist home or dwelling unit or gasoline service station.

B. Wholesaling, warehousing, distributing, storage and sale of lumber, plumbing, other building materials and supplies (excluded heated tar), ice, monuments, cold storage plant, frozen food locker, research and development facility, except those involving animals.

C. Light manufacturing of beverages, confections, food products (exclusive of meat, poultry and fish packing and the rendering or refining of fats and oils), cosmetic and pharmaceuticals.

D. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.

E. Accessory uses, in accordance with §27-407 of this Chapter.

2. Special Exception Uses.

A. Any use of the same general character as any of the uses hereinabove specifically permitted, provided they meet the intent of this district.

B. Manufacturing, processing or assembly of textiles, lumber and wood products, paper and allied products, rubber and miscellaneous plastic products, stone, clay and glass products, sporting goods and signs. Under no circumstance shall the manufacture or assembly of stone products include the crushing of stone.

C. Printing, publishing, lithographing and similar processes.

3. Prohibited Uses.

A. Abattoir.

B. Acetylene gas manufacture and/or storage.

C. Acid manufacture (hydrochloric, nitric, picric, sulfanilic, carbolic).

D. Ammonia.

E. Ammunition manufacture and/or storage.

F. Arsenal.

G. Asphalt manufacture or refining.

H. Blast furnace.

I. Bone distillation.

J. Celluloid manufacture.

K. Cement, lime gypsum or plaster of Paris manufacture.

L. Coal distillation.

M. Coke ovens.

N. Creosote treatment or manufacture.

O. Dead animals and offal reduction.

P. Distillation of bones, coal, petroleum, refuse, grain or wood.

Q. Distillation of gas.

R. Explosives, fireworks or gunpowder manufacture or storage.

S. Fat rendering.

T. Fertilizer manufacturer.

U. Forge plant.

V. Hog farm.

W. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals, offal.

X. Oil cloth and linoleum manufacture.

Y. Ore reduction.

Z. Petroleum or kerosene refining, distillation or derivation of by-products and/or storage.

AA. Potash works.

BB. Power force (riveting, hammering, punching, chipping, drawing, rolling or tumbling) of iron, steel, brass or copper, except as a necessary incident of manufacture which these processes form a minor part and which are carried on without objectionable noise outside the plant.

CC. Rolling mill.

DD. Steel furnace, blooming or rolling mill.

EE. Stockyards.

FF. Tar distilling or manufacture.

GG. Truck terminal.

HH. Automobile salvage or junkyard.

II. Recyclable materials, recycling operation. The recovery of any road materials from a roadway, including rocks, asphalt, concrete, and the stone bed thereof, and bringing them back to a property in the industrial district for subsequent disposition elsewhere, constitutes recycling and is prohibited.

JJ. Salvage.

KK. Solid waste disposal facility, scrap processor.

LL. Any use determined by the Borough to be of similar character as any of the above excluded uses.

MM. Stone crushing. For purposes of this Section, "stone crushing" means the breaking of any rock, stone, mineral, or recovered road surface into smaller pieces either manually or mechanically, and the definition also includes the use of any vibrator, vibrating conveyor belt, or other machine that aids in the process of stone crushing.

(Ord. 922, 9/17/1996, Art. XV, §1501; as amended by Ord. 961, 4/15/2002; by Ord. 964, 9/16/2002, §1; by Ord. 976, 3/18/2003, §§1,2; by Ord. 991, 8/15/2005; and by Ord. 1025, 10/21/2008)

§27-1503. Dimensional Regulations.

1. Minimum Lot Area and Width. For uses permitted in §27-1502(1) there shall be a minimum lot area of 2,500 square feet with a minimum lot width of 25 feet. For all other uses permitted in §27-1502, there shall be a minim lot size of 5,000 square feet with a minimum lot width of 50 feet.

2. Building Area.

   A. Maximum impervious coverage, 60%.

   B. Maximum floor area ratio (FAR), 40%.

3. Minimum Yards.

   A. Front, 20 feet.

   B. Side, 10 feet/25 feet total.

   C. Rear, 20 feet.

4. Lots Abutting Residential Uses and Districts. No building or structure shall be erected closer than 25 feet to any residential district or 10 feet to an existing residence. At least 10 feet of that setback must be a planted buffer (except the area needed for vehicular or pedestrian passage), in accordance with the applicable landscaping standards of the Subdivision and Land Development Ordinance [Chapter 22].

5. Height Regulations. The maximum height of buildings and other principal structures erected or enlarged in this district shall be 40 feet. Ancillary structures may be increased up to 70 feet; provided, that for every foot of height above 40 feet there shall be added to each yard requirement one corresponding foot of width or depth.

(Ord. 922, 9/17/1996, Art. XV, §1502)

§27-1504. Development Regulations.

1. Public Utilities. All uses shall be capable of being served by public sewer and water facilities.

2. Access. A planned system of efficient ingress, egress and internal circulation of traffic shall be required. Loading and unloading areas shall be provided off-street and arranged so that they may be used without blocking or interfering with the use of driveways or parking areas. No loading and unloading area shall be permitted closer than 25 feet to any residential use or district.

3. Signs. All signs shall meet the applicable requirements of Part 20.

4. Lighting. Lighting shall be arranged in a manner which will protect adjacent roads and neighboring properties from direct glare.

5. Service. Areas for refuse collection and recycling shall be provided. All solid waste material shall be stored in covered containers, no closer than 10 feet from any property line. Refuse collection areas shall be screened from direct view of any adjacent property by walls a minimum of six feet in height.

6. Parking. Parking shall be provided for all industrial district uses in accordance with the requirements of Part 21. No parking shall be permitted closer than 15 feet to any front lot line nor closer than 25 feet to any residential use or district.

7. Landscaping. All areas delineated as 15 and 25 foot parking setbacks for industrial uses, except those necessary for vehicular and pedestrian passage, shall be maintained as green areas, in accordance with the applicable landscaping standards of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996, Art. XV, §1503)

§27-1505. Performance Standards.

All permitted uses within the industrial district shall comply with the following standards wherever applicable.

A. Air Pollution Control. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§4001-4015, as amended, and the following standards:

(1) Visible Emissions. Visible air contaminants shall not be emitted in such a manner that the capacity of the emissions is equal to or greater than 20% for a period or periods aggregating more then three minutes in any one hour or equal to or greater than 60% at any time and shall comply with 25 Pa, Code 25, Chapter 127.A(7), or its most recent update.

(2) Particulate, Vaporous and Gaseous Emissions. No person shall cause, suffer or permit the emission of fugitive particulate, vaporous or gaseous matter from any source in such a manner that the emission is visible or detectable outside the property of the person where the source is being generated.

(3) Hazardous Air Emission. All emissions shall comply with National Emission Standards for Hazardous Air Pollutants promulgated by the U.S. Environmental Protection Agency under the Federal Clean Air Act (42 USCA, §7412) as promulgated in 40 CFR Part 61, or its most recent update.

(4) Odor.

(a) No person shall cause, suffer or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person where the source is being generated.

(b) Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.

B. Noise Control. At no point on the boundary of any nonindustrial property shall the sound level of any operation exceeded the described levels of the designated octave bands shown below for the districts indicated. Objectionable noises, due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

Octave Band in Cycles per Second	Along Residential District Boundaries-Maximum Permitted Sound Level in Decibels	At Any Other Point on the Lot Boundary-Maximum Permitted Sound Level in Decibels
0 to 75		72-79
75 to 150	67	74
150 to 300	59	66
300 to 600	59	62
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

C. Vibration Control. No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

D. Glare or Heat Control. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines.

E. Control of Radioactivity or Electrical Disturbance. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property boundary of the creator of such disturbance. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of radioactive materials, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223; and 225 Title 25, Article V, Pennsylvania Department of Environmental Protection. Rules and Regulations, as amended.

F. Fire and Explosive Hazards. Flammable and explosive materials shall be stored, used and transported in accordance with the applicable State and Federal Regulations regarding such materials and associated storage vessels.

G. Outdoor Storage.

(1) All outdoor storage facilities for fuel, flammable or explosive materials and raw materials shall be enclosed by a fence adequate to prevent the access of children and other members of the general public.

(2) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

(3) All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, sealed containers.

(4) No materials or wastes of any form may be stored in a floodplain area.

H. Waste Disposal. Industrial wastes shall not be stored, discharged, incinerated or otherwise disposed of except in conformance with the applicable State and Federal regulations regarding solid and hazardous wastes.

(Ord. 922, 9/17/1996, Art. XV, §1504; as amended by Ord. 941, 2/15/1999, §2; and by Ord. 991, 8/15/2005)

§27-1506. Application and Review by the Planning Commission; Approval or Disapproval by the Borough Council.

1. Plans for any industrial use shall be submitted to the Planning Commission prior to the issuance of any zoning permit or certificate of occupancy. Such plan shall include the following:

   A. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, waste disposal area and other constructed features on the lot, all buildings, streets, alleys, streams, floodplains, wetlands, hazardous waste sites identified by the Environmental Protection Agency and other topographical features of the lot and within 200 feet of any lot line.

   B. Architectural plans for any proposed buildings.

   C. A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, industrial waste hazards and other safety hazards. This should include engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air or water pollution, vibration, fire hazards, industrial wastes and other safety hazards, all of which must comply with the performance standards listed in §27-1505 above.

   D. Engineering and architectural plans for the treatment and disposal of sewage.

   E. Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke.

   F. The proposed number of shifts to be worked and the maximum number of employees on each shift.

   G. Any other pertinent data or evidence that the Planning Commission may require.

2. The Planning Commission shall review all plans for industrial uses submitted to them and shall submit these plans, with recommendations thereupon, to the Borough Council for final action.

3. Upon receipt of plans for any industrial use and recommendations thereupon by the Borough Planning Commission, the Borough Council shall have the power of approval or disapproval of these plans. The Borough Council shall notify the Zon-

ing Officer, in writing, of the Council's final decision and any special conditions agreed upon regarding the proposed industrial use.

(Ord. 922, 9/17/1996, Art. XV, §1505)

PART 16

OFFICE CAMPUS DISTRICT

§27-1601. Statement of Intent.

It is the intent of this district to:

A. Encourage new development and uses that can stimulate economic revitalization, in accordance with the Ambler Borough Comprehensive Plan

B. Reestablish South Ambler as a focal point for employment opportunities.

C. Provide for office and directly related uses in close proximity to public transportation and a major road.

D. Allow for uses that best meet the needs of those persons who wish to take advantage of the district's proximity to the rail line and major road.

E. Provide for development that compliments the established Borough character and minimizes adverse impacts.

(Ord. 922, 9/17/1996, Art. XVI, §1600; as amended by Ord. 951, 12/18/2000, §1600).

§27-1602. Use Regulations.

A lot may be used for any one or combination of uses in the Use Chart.

(Ord. 922, 9/17/1996, Art. XVI, §1601; as amended by Ord. 951, 12/18/2000, §1601)

§27-1603. Dimensional Requirements.

Development standards for the uses identified on the Use Chart, unless otherwise noted below, shall be as follows:

A. All commercial uses must comply with the development standards of Part 13, C – Commercial District.

B. All industrial uses must comply with the development standards of Part 14, O – Office District.

C. Any more restrictive provision stated herein shall control.

(1) Minimum lot area, one acre.

(2) Minimum lot width, 200 feet.

(3) Maximum building coverage, 50% except where a development bonus is granted in accordance with §27-1605(18).

(4) Maximum impervious coverage, 75% except where a development bonus is granted in accordance with §27-1605(18).

(5) Maximum building height, 50 feet.

(6) Minimum Yards.

(a) Front, 20 feet.

(b) Side, 10 feet/25 feet total.

(c) Rear, 20 feet.

(Ord. 922, 9/17/1996, Art. XVI, §1602; as amended by Ord. 951, 12/18/2000, §1602)

§27-1604. Development Regulations.

1. Ownership. The property to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the tract and it shall be agreed that the tract will be developed under single direction in accordance with an approved plan.

2. Development Mix.

   A. The primary use of a floor area shall encompass 90% of the floor area, with conditional or accessory uses constituting not more than 10% of the total floor area.

   B. As an incentive to provide commercial use, the bonus provisions of Subsection (18) may be used; provided, that the use(s) shall occupy at least a portion of ground floor space and, wherever possible, be along the side of the building(s) with street frontage, subject to the 10% limitation stated in the preceding subsection.

3. Land Development. All office campus use proposals (new land development or reuse of an existing building) shall show in sufficient detail the proposed distribution of use(s), both for the site generally and for each building.

4. Phasing. An office campus development may be completed in phases according to a phasing plan approved by Borough Council and executed in accordance with a development agreement.

5. Sewer and Water Facilities. All buildings shall be served by public sewer and water systems.

6. Traffic Impact Analysis. A traffic impact analysis shall be completed for all proposed developments. If a change in use(s) is proposed at any point during development of the office campus project, a new traffic impact analysis may be required. The analysis shall be prepared by a professional traffic engineer and, at a minimum, address the following items:

   A. Traffic impact on adjacent and nearby roads and intersections.

   B. Description of traffic characteristics of the proposed development.

   C. Traffic volumes for average daily traffic at peak hours (pre and post development).

   D. Source of trip generation rates used.

   E. Documentation of onsite and offsite improvements needed and proposed to mitigate impacts.

7. Access. Each development shall have physical access to a public street. Developers are encouraged to share access points and/or driveways, where this is proposed, the bonus provisions of Subsection (18) may be used. However, to qualify for a bonus, the lots must share a primary access point and/or driveway. Additional, secondary access points and driveways shall not be eligible.

8. Parking and Loading. Required parking and loading shall be in accordance with Part 21, including the use of common and/or offsite parking facilities. Where common or offsite parking is proposed, the bonus provisions of Subsection (18) may be used. In the event that some or all required parking is proposed for the ground floor of a building, no more than 50% of the space along the front side may be used. The remaining area, extending to a minimum depth of 25 feet, shall be reserved for other purposes.

9. Pedestrian Circulation. A convenient, safe and coordinated system of pedestrian access shall be provided through the extension of sidewalk or similar walkways. This system shall link buildings, parking areas, open space, public transportation and other nearby destination points.

10. Outdoor Display/Sales. Outdoor display and sales shall be limited to the following commercial uses; provided, pedestrian circulation and building access is not impaired, produce shop or market, florist shop. Any area used shall be counted as floor space for the purposes of computing parking needs.

11. Outdoor Seating. A restaurant or similar food service operation may provide outdoor seating; provided, pedestrian circulation and building access is not impaired and the following standards are met:

A. Removable enclosures, such as planters, shall be used to define the area.

B. Tables, chairs and related furniture must be removable and indoor storage provided for extended period of non-use (e.g., winter months).

C. Extended awnings, canopies or umbrellas may be used to provide cover and shade.

D. Additional trash receptacles shall be provided and maintained.

E. No additional signage beyond what is allowed for the use is permitted.

12. Solid Waste. All solid waste facilities shall be located no closer than 10 feet from any property line and a site element screen provided in accordance with the landscape planting requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].

13. Signs. All signs shall meet the requirements of §§27-2003, 27-2006, 27-2007 and 27-2008 of this Chapter.

14. Lighting. All lighting facilities shall be arranged to minimize disturbance to adjacent properties and vehicle and pedestrian traffic, by either location or glare. The applicant shall demonstrate that the least intrusive type and amount of lighting is being used.

15. Landscaping. Landscape planting shall be provided in accordance with the requirements and standards of the Subdivision and Land Development Ordinance [Chapter 22].

16. Public Amenities. To encourage the provision of the public amenities such as parkland, central plazas or courtyards and public parking, the provisions of Subsection (18) may be used. To be eligible, the amenity must have a clear public purpose or benefit, as determined by the Borough.

17. Building Design Standards and Guidelines. For all projects involving new construction or renovation of an existing building, the use of exterior architectural design features and details is encouraged, provided they are applied consistently. However, any new building with a length exceeding 200 feet shall be designed to incorporate a front facade and/or roof variation. For the facade, a minimum three foot (depth) off-set shall be created for every 50 feet of continuous facade and extend from grade to the top of the facade. In the case of roof variation, the variation may involve the roof plane, ridge line or both. The variation used shall be designed as an integral part of the roof, not an incidental feature such as a utility pipe or vent. Where the ridge line is affected, the vertical variation shall not be less than one foot.

18. Development Bonus. As provided for in Subsections (2),(7),(8) and (16) above, a development bonus will be granted, in accordance with the following:

    A. Application of any one of the qualifying provisions, an increase in the maximum building coverage of 5% and an increase in the maximum impervious coverage of 5%.

    B. Application of any combination of qualifying provisions, an increase in the maximum building coverage of 5%, a reduction in the minimum required lot width of 15% and an increase in the maximum impervious coverage of 5%.

    C. A single, one-time bonus shall be granted for each qualifying proposal.

(Ord. 922, 9/17/1996, Art. XVI, §1604; as amended by Ord. 951, 12/18/2000, §1604)

§27-1605. Conditional Use Standards.

1. Accessory food and retail sales as allowed elsewhere herein:

    A. Hours of operation, 8:00 a.m. – 12:00 a.m.

    B. Food and retail sales may be provided as accessory uses in accordance with the following regulations in addition to the nonprimary use limitations elsewhere set forth:

        (1) The food and/or retail sales area shall be located indoors and within the same structure as the principal use. The area used for food or retail sales shall not exceed 10% of the gross floor area.

        (2) Food service or retail sales shall be conducted by the same ownership and under the same lease as the principal use.

        (3) Retail sales and food service shall have the same hours of operation as the principal use, unless the primary hours of operation are longer than those set forth above, in which case the hours set forth herein shall control.

    C. The performance standards of §27-1505 shall be met.

2. Educational Use.

    A. The performance standards of §27-1505 shall be met.

    B. All operations shall be conducted indoors.

    C. Retail sales and food service are permitted only as an accessory use.

OC – OFFICE CAMPUS DISTRICT (As Per §27-1602)

USE

	By Right	Conditional Use	Accessory Use Only
Professional/Administrative Office	X		
Office Building	X		
Financial Institution	X		
Day Care			X
Personal/Professional Service		X	
Training Center		X	
Printing/Publishing		X	
Private Parking Lot and Garage			X
Cafe, Deli, Snack Bar		X	
Light Manufacturing and Assembly			X

All conditional and accessory uses have a limit of 10% floor area as relates to the 90% Office Campus Use which is primary. No accessory or conditional use can be a free-standing venture.

(Ord. 922, 9/17/1996, Art. XVI, §1604; as amended by Ord. 951, 12/18/2000, §1604

PART 17

IN – INSTITUTIONAL DISTRICT

§27-1701. Statement of Intent.

It is the intent of this Part to:

A. Provide suitable areas within the Borough to accommodate medical, educational, religious or similar institutional uses.

B. Provide development standards which ensure the compatibility of adjacent land uses and which will minimize any adverse traffic or environmental impacts.

(Ord. 922, 9/17/1996, Art. XVII, §1700)

§27-1702. Use Regulations.

1. Permitted Uses.

A. Churches, chapels, convents, monasteries or other religious institutions and their adjunct residential dwellings.

B. Public and private elementary and secondary schools, colleges, universities and theological schools.

C. Offices for educational, fraternal, professional, religious and nonprofit institutions or organizations.

D. Hospitals, sanitaria and other medical facilities.

E. Child day care facility.

F. Adult day care facility.

G. Adult/elderly nursing care facility.

H. Government offices and facilities.

I. Accessory uses, in accordance with §§27-407 and 27-409 of this Chapter.

2. Conditional Use.

A. Professional offices which are low intensity in nature, defined here as having a number of occupants, anticipated daily trip generation and overall im-

pact on the neighborhood not inconsistent with expressly permitted uses, shall be permitted in the Institutional District as a conditional use where the location, size and operating characteristics of the proposed professional office will be compatible with and not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures or natural resources, with consideration given to:

(1) Harmony in scale, bulk, coverage and density.

(2) The availability of public facilities, services and utilities.

(3) The harmful effect, if any, on desirable neighborhood character.

(4) The generation of traffic and the capacity and physical character of surrounding streets.

(5) The suitability of the site for the type and intensity of the proposed use or development.

(6) Any other relevant impact of the proposed use.

B. In order to effectuate the above criteria, Council may require any or all of the following, as applicable:

(1) Preservation of the front facade of any existing building.

(2) Location of any building additions in the rear and consistent in size and scope with the existing building.

(3) Preservation of any existing front yard as landscaped open space.

(4) No front yard impervious surface, except for sidewalks and pedestrian walkways.

C. The potential impacts as described above and the location of the proposed use will be compatible with the goals of the Borough's Comprehensive Plan.

D. When the applicant ceases to occupy the premises, the conditional use permit shall expire and a subsequent occupant must apply for and be granted a new conditional use, subject to the criteria herein.

(Ord. 922, 9/17/1996, Art. XVII, §1701; as amended by Ord. 978, 6/16/2003, §§1,2)

§27-1703. Dimensional Regulations.

For dwelling units which are part of a religious institution, but are separately lotted, the zoning regulations of the nearest residential district shall apply.

A. Minimum lot area, one acre.

B. Minimum lot width, 125 feet.

C. Minimum Yards.

(1) Front, 50 feet.

(2) Side, 20 feet each.

(3) Rear, 20 feet.

D. Maximum building coverage, 20%.

E. Maximum floor area ration (FAR), 50%.

F. Maximum impervious coverage, 60%.

G. Height Regulations. The maximum height of any building shall be 55 feet, except that the height may be increased when authorized by the Zoning Hearing Board for ancillary structures such as towers, chimneys, radio antenna; provided, that for every foot of height in excess of 55 feet there shall be added to each yard requirement one corresponding foot of width or depth.

(Ord. 922, 9/17/1996, Art. XVII, §1702)

§27-1704. Parking Requirements.

All parking for uses permitted in this district shall be provided off-street.

A. Church, public auditorium, assembly or meeting room or other similar place of public or private assembly, one space for every five seats or one space for 50 square feet of total floor area, whichever is greater.

B. Elementary or intermediate school, two spaces per classroom.

C. High school, five spaces per classroom.

D. Adult day care facility, one space per 10 occupants, plus one per employee on the largest shift. A minimum of one safe drop-ff space shall be provided for every 20 occupants

E. Child day care facility, one space per 10 occupants, plus one per employee on the largest shift. A minimum of one safe drop-off space shall be provided for every 20 occupants.

F. Adult/elderly nursing care facility, one space per two beds, plus one per employee on the largest shift.

G. Hospitals and other medical facilities, one space per two beds, plus one per employee on the largest shift.

H. Offices for institutions, one space per 200 square feet of gross floor area.

I. Low intensity professional offices, one space per 250 square feet of gross floor area.

(Ord. 922, 9/17/1996, Art. XVII, §1703; as amended by Ord. 978, 6/16/2003, §3)

§27-1705. Landscaping.

Buffers and screens shall be provided where required by the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996, Art. XVII, §1704)

§27-1706. Lighting.

Lighting shall be arranged in a manner which protects adjacent roads and properties from direct glare.

(Ord. 922, 9/17/1996, Art. XVII, §17050

§27-1707. Application and Review by the Planning Commission; Approval or Disapproval by the Borough Council.

The provisions of §27-1506 shall apply.

(Ord. 922, 9/17/1996, Art. XVII, §1706)

PART 18

OS – OPEN SPACE DISTRICT

§27-1801. Statement of Intent.

It is the intent of this Part to:

A. Promote the preservation of land which because of location or natural features have a unique character for open space and recreation purposes and to facilitate and provide for the conservation of significant natural resources.

B. Permit and encourage the retention of existing and potential open space and recreation areas and significant natural resources.

C. Establish reasonable standards of performance in order to maintain the desirable benefits of open space, recreation and conservation areas.

D. Ensure that the uses in this district will not have any adverse effect on natural amenities or in abutting residential areas.

E. Relate open space, recreation and conservation areas to existing residential areas and to existing or potential open space areas on adjacent tracts to assure consistency of use and lack of conflict between areas.

(Ord. 922, 9/17/1996, Art. XVIII, §1800)

§27-1802. Use Regulations.

Publicly owned land may be used or occupied and buildings and structures, as accessory thereto, may be erected or used for any of the following purposes:

A. Natural open space uses primarily of a passive nature and conducted outdoors. such as wildlife sanctuary, woodland preserve, outdoor education and similar uses.

B. Parks and recreation areas providing facilities of a passive or nonintensive nature, including hiking, bicycling, swimming, ice skating, picnic areas, playing fields and similar uses.

C. Historic sites or buildings, which are open for public viewing and inspection and provided that they meet the development regulations contained in §27-1803.

(Ord. 922, 9/17/1996, Art. XVIII, §1801)

§27-1803. Development Standards.

1. Open Space Character. The buildings and/or uses shall preserve to the maximum extent possible all floodplain, stream valleys, wooded areas and similar environmentally sensitive areas and shall be planned to minimize the intensity of the development. After development, the site shall basically retain an open character.

2. Commercial Activity. No commercial activity shall be permitted except for charging of admission, the sale of refreshments or other such purposes as are clearly incidental to the permitted outdoor activity. Each permitted commercial activity shall be located or screened to minimize visibility from a public street.

3. Off-Street Parking. The provisions of Part 21 shall apply to all uses in this district. In the event that the use contemplated is not specifically covered by the terms of Part 21, adequate off-street parking must be shown on the development plan to accommodate the maximum number of persons expected to be using the facilities on a day to day basis.

4. Signs. No billboards, signs or permanent external advertising displays of any kind shall be erected, altered or used in this district except for those advertising, informing of service, business, occupation or profession carried in or about the property on which the advertisement appears. All requirements of Part 20 must be met.

5. Public Convenience Facilities. In any facility or recreation area that is open to the public, toilet facilities, drinking fountains, seating accommodations and similar facilities shall be provided for the satisfactory accommodation of all persons customarily using the proposed facilities or recreation area.

6. Maximum building coverage, 5%.

7. Maximum building height, 20 feet.

(Ord. 922, 9/17/1996, Art. XVIII, §1802)

§27-1804. Plan Submission.

Plans for any open space use shall be submitted to the Planning Commission, which shall make recommendations to the Borough Council. Such plans shall be drawn to a uniform scale and shall show:

A. The boundaries of the area, the nature of the recreational facility and outline of existing and proposed buildings or structures, the parking area, means of ingress and egress, sanitary arrangements and the provision for drainage.

B. The shape and dimensions of all buildings and structures together with plans and specifications.

C. The appearance of the buildings or structures on conversion or completion as well as any signs to be attached thereto or to be located on the premises.

D. The landscaping of the premises.

(Ord. 922, 9/17/1996, Art. XVIII, §1803)

PART 19

FLOODPLAIN CONSERVATION DISTRICT

§27-1901. Statement of Intent.

It is the intent of this Part to:

A. Conserve and protect floodplain areas, as defined herein, subject to and necessary for the containment of flood waters.

B. Permit and encourage the use of floodplain areas for open space purposes so as to constitute a harmonious and appropriate aspect of the continuing physical development of the Borough of Ambler.

C. Combine with other zoning requirements, as an overlay, certain restrictions for flood prone areas to promote the general health, safety and welfare of the Borough.

D. Prevent inappropriate development in flood prone areas made unfit for human usage by reason of danger from flooding.

E. Minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood prone areas and promoting safe and sanitary drainage.

F. Permit only those uses that are compatible with development of flood prone areas, as herein defined, and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above or below their locations along the floodplains.

G. Protect those individuals who choose, despite the cited flood dangers, to develop or occupy land on a floodplain.

H. Provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.

I. Protect individuals and adjacent landowners in the Borough and/or other municipalities both upriver and downriver from damages resulting from inappropriate floodplain development and the resultant obstruction or increase in flow of flood waters.

J. Protect the entire Borough from uses of land which could increase the necessity for expenditures for public works and disaster relief and adversely affect the economic well-being of the Borough.

K. Promote the ecological balance among those natural systems elements, such as wildlife, vegetation and aquatic life, which are dependent upon watercourses and water areas.

L. Protect other municipalities within the same watershed from the impact of improper development and the resultant increased potential for flooding.

M. Provide retention areas for the temporary storage of floodwaters.

N. Require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with the requirements of the Federal Flood Insurance Program, P.L. 90-448, and Pennsylvania Floodplain Management Act. P.L. 851, No. 166 of 1978, and as either is amended.

(Ord. 922, 9/17/1996, Art. XIX, §1900)

§27-1902. Boundary Definition of Floodplain Conservation District.

The FP – Flood Plain Conservation District – is defined and established as follows:

A. The low are adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as subject to inundation by the one-hundred-year flood. The source of this delineation shall be the Flood Insurance Study for Ambler Borough, Montgomery County, Pennsylvania, prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

B. Copies of the Flood Insurance Study and Flood Insurance Rate Map shall be available to the public in Borough Hall.

C. Whenever there is a difference between the zoning map and the Flood Insurance Rate Map, the data contained in the Flood Insurance Rate Map shall determine the boundary of the Floodplain Conservation District.

D. The identified floodplain area shall be those areas of Ambler Borough which are subject to the one-hundred-year flood, as identified in the Flood Insurance Study (FIS) dated August 18, 1992, and the accompanying maps prepared for the Borough by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof.

E. The identified floodplain area shall consist of the following specific areas:

(1) FW (Floodway Area). The areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other

available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

(2) FF (Flood Fringe Area). The remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

(3) FE (Special Floodplain Area). The areas identified as Zone AE in the Flood Insurance Study, where one-hundred-year flood elevations have been provided, but no floodway has been delineated.

F. FA (General Floodplain Area). The areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

G. Within Any AO Area. Special floodplain area of shallow flooding, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified) or be completely floodproofed to that level and is required in Subsection (1) above.

H. The identified floodplain areas may be revised or modified by the Borough where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

I. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Borough. The burden of proof shall be on the appellant.

(Ord. 922, 9/17/1996, Art. XIX, §1901; as amended by Ord. 925, 1/21/1997, §5)

§27-1903. Floodplain Conservation District Overlay.

A. The floodplain conservation district shall be deemed to be an overlay on any zoning districts(s) now or hereafter enacted to regulate the use of land in the Borough.

B. The floodplain conservation district shall have no effect on the permitted uses in the underlying zoning district, except where the uses are intended to be located within the boundaries of the floodplain conservation district, as defined herein, and the uses are in conflict with the permitted uses set forth in this Part.

C. In those areas of the Borough where the floodplain conservation district applies, the requirements of the floodplain conservation shall supersede the requirements of the underlying zoning district(s).

D. Should the floodplain conservation district boundaries be revised as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall be revert to the requirements of the underlying zoning district(s) without consideration of this Part.

E. Should the zoning classification(s) of any parcel or any part thereof on which the floodplain conservation district is an overlay be changed, as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the floodplain conservation district, unless an amendment to the boundaries was included as part of the proceedings from which the subsequent change(s) originated.

(Ord. 922, 9/17/1996, Art. XIX, §1902)

§27-1904. Boundary Interpretation and Appeals Procedure.

1. An initial determination as to whether or not the floodplain conservation district applies to a given parcel shall be made by the zoning officer.

2. Any party aggrieved by the decision of the Zoning Officer, either because of an interpretation of the exact location of the floodplain conservation boundary or because the criteria used in delineating the boundary, as set forth in §27-1902, is or has become incorrect because of changes due to natural or other causes, may appeal the decision to the Zoning Hearing Board as provided for in Part 23 of this Chapter.

3. The burden of proving the incorrectness of the Zoning Officer's decision shall be on the appellant.

(Ord. 922, 9/17/1996, Art. XIX, §1903)

§27-1905. Permitted Uses.

1. Wildlife sanctuary, woodland preserve, arboretum and passive recreational areas, including parks but excluding enclosed structures.

2. Forestry and reforestation in accordance with recognized soil conservation practices.

3. Pasture and controlled grazing of animals in accordance with recognized soil conservation practices. Provided, however, that animals deemed by Borough Council to be dangerous or offensive may be excluded with the concurrence of the game warden having jurisdiction over the given area.

4. Recreational uses, including hiking, bicycling, bridle trials, camps and picnic areas, but excluding enclosed structures.

5. Outdoor plan nursery or orchard in accordance with recognized soil conservation practices.

6. Cultivation and harvesting of crops in accordance with recognized soil conservation practices.

7. Non-structural accessory uses (except swimming pools) necessary for the operation and maintenance of the above uses.

8. Front, side and rear yards and required lot area in the underlying zoning district(s), provided such yards are not to be used for an onsite sewage disposal system. The minimum setback of any structures from the edge of any watercourses shall be determined by the front, side or rear yard requirements in the underlying zoning district(s). Should this unduly restrict the development of the land in questions, the minimum setback requirement may be modified upon a determination by the Borough Engineer. In no case, however, shall the modification encroach upon the floodplain as defined in §27-1902.

9. Uses similar to the above which are in accordance with the intent of this Part.

(Ord. 922, 9/17/1996, Art. XIX, §1904)

§27-1906. Uses Permitted by Special Exception.

The following uses may be permitted by a special exception from the Zoning Hearing Board, upon the condition that no use permitted by special exception shall increase the elevation of the 50 year frequency recurrent interval flood or the established flood level by more than one foot at any point.

A. Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures except bathroom facilities, but permitting piers, docks, floats, or unenclosed shelters usually found in developed outdoor recreational areas.

B. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations, upon review by the Borough Engineer and approval by the appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by proof the necessity for locating within the boundaries of the floodplain conservation district.

C. Sealed public water supply wells, upon review of the Borough Engineer and the Pennsylvania Department of Environmental Protection.

D. Dams, culverts and bridges with the approval of appropriate authorities with jurisdiction such as the Pennsylvania Department of Environmental Protection.

E. Sanitary or storm sewers and impoundment basins, upon review of the Borough Engineer and the Pennsylvania Department of Environmental Protection.

F. Roads, driveways and parking facilities, subject to the following:

(1) Roads and driveways shall not be permitted if there is a reasonable alternative alignment. In any case, use of pervious rather than impervious materials is encouraged, although the Zoning Hearing Board shall review each proposal to determine the appropriate materials to use.

(2) Parking facilities shall not be permitted unless satisfactory evidence is submitted that the parking will not be utilized during periods of flood flow and thus will pose no threat to the safety of the vehicles, their users, or downstream properties. Temporary parking for periods not to exceed one hour or parking for recreational uses are examples of potential exceptions. In any case, use of pervious rather than impervious materials is encouraged, although the Zoning Hearing Board shall review each proposal to determine the appropriate materials to use.

G. Grading or regrading of lands, including the deposit of topsoils and the grading thereof. The application for a special exception for such a use shall be accompanied by the following:

(1) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, including the data needed in order to determine whether the boundaries of the floodplain conservation district would be affected.

(2) An application for amending the boundaries of the floodplain conservation district if the boundaries are affected by the grading or regrading of land.

(3) A plan indicating the disposition of any fill or materials proposed to be deposited by the grading or regrading of land. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulk-heading.

H. Utility Transmission Lines.

I. Fences, made of material which will not impede the flow of floodwaters and debris.

J. Uses similar to the above which are in compliance with the intent of this Part.

(Ord. 922, 9/17/1996, Art. XIX, §1905; as amended by Ord. 991, 8/15/2005)

§27-1907. Prohibited Uses.

1. Freestanding structures, buildings and retaining walls except as approved by special exception under the provisions of §27-1908(2). Flood retention dams, culverts and bridges except as approved by the Pennsylvania Department of Environmental Protection and Borough Council following review and recommendation of the Borough Planning Commission and the Soil Conservation Service, U.S. Department of Agriculture.

2. The filling of or removal of topsoil from floodplain lands as defined in §27-1902, except as approved by special exception under the provisions of §27-1906(G).

3. The relocation of any watercourse without the approval by the Pennsylvania Department of Environmental Protection and Borough Council following review and recommendations by the Borough Planning Commission and the Soil Conservation Service, U.S. Department of Agriculture.

4. Onsite sewage disposal systems.

5. Private water supply wells.

6. The following uses shall be specifically prohibited in a floodplain conservation district:

   A. Sanitary landfills, dumps, junkyards, outdoor storage improved structure which will be used for the production, storage or maintenance of a supply of toxic chemicals, including but not limited to:

      (1) Acetone.

      (2) Ammonia.

      (3) Benzene.

      (4) Calcium carbide.

      (5) Carbon disulfide.

      (6) Carbon dioxide.

      (7) Celluloid.

      (8) Chlorine.

      (9) Hydrochloric acid.

      (10) Hydrocyanic acid.

      (11) Magnesium.

      (12) Nitric acid and oxides of nitrogen.

      (13) Petroleum products (gasoline, fuel oil, etc.).

      (14) Phosphorous.

      (15) Potassium.

      (16) Sodium.

      (17) Sulphur and sulphur products.

      (18) Pesticides (including insecticides, fungicides and rodenticides).

      (19) Radioactive substances.

B. Construction, enlargement or expansion of allo mobile home parks and mobile home subdivisions, hospital, nursing homes, jails, prisons or manufactured homes.

C. Stripping of topsoil, ground cover, vegetation or removal of trees within 20 feet of a stream bank if this distance falls within the floodway.

(Ord. 922, 9/17/1996, Art. XIX, §1906; as amended by Ord. 925, 1/21/1997, §§8,9; and by Ord. 991, 8/15/2005)

§27-1908. Application Procedure.

1. For any use of land in the floodplain conservation district, except uses existing as of the date of the enactment of this Chapter, an application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application.

2. For a use other than those permitted in §27-1905, an application for approval by special exception shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.

3. Any application involving the use of fill, construction of structures or storage of materials shall comply with the specific standards in both the Building Code [Chapter 5] and Subdivision and Land Development Ordinance [Chapter 22]. A general list of plan requirements follows:

   A. A plan certified by a registered professional engineer which accurately locates the proposed use with respect to the floodplain district limits, channel or stream and existing development in the floodplain within 200 feet of the proposed development site, together with all pertinent information such as the nature of the proposal, legal description of the property fill limits and elevations and floodproofing measures including those required by the Borough Building Code [Chapter 5], as amended, and the provision of this Part.

   B. The following additional information as deemed necessary by either the Zoning Officer or Borough Engineer for the evaluation of effects of the proposal on flood flows and floodwater storage.

      (1) A typical valley cross-section showing the channel of the river or stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development and high water information.

      (2) Plan surface view showing elevation or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location

and elevations of streets, water supply, sanitary facilities, soil types and other pertinent information.

(3) Profile showing the slope of the bottom of the channel of flow line of the stream.

(4) Specifications for building construction and materials, "floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities."

(5) Any structure permitted by special exception or variance shall include floodproofing measures according to the following criteria. All structures shall be:

(a) Firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

(b) Constructed so as to prevent the entrance of floodwaters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from the systems into the floodwaters. All floodproofing shall be accordance with regulations of the U.S. Army Corps of Engineers.

(Ord. 922, 9/17/1996, Art. XIX, §1907)

§27-1909. Standards for Approval of Uses by the Zoning Hearing Board.

In considering a use as a special exception or variance, the Zoning Hearing Board shall consider the following:

A. The effect of the use shall not substantially after the cross sectional profile of the river, streams or other floodplains at the location of the proposed use.

B. Lands abutting the waterway, both upriver and downriver, shall not be unreasonably affected by the proposed use.

C. The general welfare or public interest of the Borough or of other municipalities in the same watershed shall not be adversely affected.

D. Any structure permitted by special exception shall include flood proofing measures, as set forth in §27-1908(3)(B)(5).

E. The possible danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels during the one-hundred-year flood.

F. The danger that materials may be swept on to the other lands or downstream to the injury of others.

G. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

H. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

I. The importance of the services provided by the proposed facility to the community.

J. The requirements of the facility for a waterfront location.

K. The availability of alternative locations not subject to flooding for the proposed use.

L. The compatibility of the proposed use with existing and anticipated development

M. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

N. The safety of access to the property in times of flooding.

O. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters at the site.

P. Such other factors which are relevant to the purposes of this Chapter.

Q. Further, the following additional standards shall be considered for approval of uses by variances:

(1) The Zoning Hearing Board, after deciding upon the merits of the application, may permit the application to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this Part.

(2) Any uses permitted by variance shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water. The first floor elevation of all structures shall be not less than the regulatory flood elevation.

(3) Any nonresidential structures or additions to residential structures which are not elevated shall include flood proofing measures.

(4) Any structure permitted by variance shall include flood proofing measures.

(Ord. 922, 9/17/1996, Art. XIX, §1908)

§27-1910. Nonconforming Uses or Structures.

Following adoption of this Chapter, any use of structure which is situated within the boundaries of the FP-Flood Plain Conservation District and which does not conform to the permitted uses on §27-1905, shall be deemed a nonconforming use or structure, regardless of its conformance to the district in which it is located. The continuance or expansion of a nonconforming use or structure shall be governed by the requirements of Part 26 of this Chapter. However, the Zoning Hearing Board shall also ensure that the standards contained in §27-1909 are applied to the continuance or expansion of the nonconforming use or structure.

(Ord. 922, 9/17/1996, Art. XIX, §1909)

§27-1911. Certificate of Occupancy.

No vacant land shall be occupied or used and no building hereafter erected, altered or moved with the floodplain conservation district shall be occupied, until a certificate of occupancy shall have been issued by the Zoning Officer. The Zoning Officer shall request the applicant submit a certification by a registered professional engineer or land surveyor that the finished fill and building floor elevations, floodproofing measures or other flood protection factors were accomplished in compliance with the provisions of this Chapter. The Zoning Officer shall within 10 days after receipt of such certification from the applicant issue a certification of occupancy only if the building or premises and the proposed use conform with all the requirements of this Chapter.

(Ord. 922, 9/17/1996, Art. XIX, §1910)

§27-1912. Borough Liability.

1. The granting of a zoning permit or approval of a subdivision or land development plan in or near the floodplain conservation district shall not constitute a representation, guarantee, or warranty of any kind by the Borough or its officials or employees, of the practicability or safety of the proposed use and shall create no liability upon the Borough or its officials or employees. The degree of flood protection intended to be provided by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study.

2. This Chapter does not imply that areas outside the floodplain conservation district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages.

(Ord. 922, 9/17/1996, Art. XIX, §1911)

§27-1913. Technical Provisions.

1. General. 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 Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development. Bureau of Community Planning shall be notified prior to any alteration or relocation of any watercourse. 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 Chapter and any other applicable codes, ordinances and regulations.

2. Special Requirements for FW, FE and FA Areas.

    A. Within any FW (Floodway Area) the following provisions apply:

        (1) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.

        (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection.

    B. Within any FE (Special Floodplain Area) no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

    C. Within any FE (Special Floodplain Area) or FA (General Floodplain Area) the following provisions apply:

        (1) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection.

3. Space below the Lowest Floor.

    A. Fully enclosed space below the lowest floor (including basement) is prohibited.

B. Partially 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 are 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 "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 922, 9/17/1996; as added by Ord. 925, 1/21/1997, §6; and by Ord. 991, 8/15/2005)

§27-1914. Accessory Structures and Design and Construction Standards.

1. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles or to the storage of tools, material and equipment related to the principal use or activity.

B. Floor area shall not exceed 600 square feet.

C. The structure will have a low damage potential.

D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

E. Power lines, wiring and outlets will be at least 1 1/2 feet above the one-hundred-year flood elevation.

F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

G. Sanitary facilities are prohibited.

H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a net total of not less than one square inch for every square foot of enclosed space.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, etc., or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

2. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill. If fill is used, it shall:

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

(2) Consist of soil or small rock material only. Sanitary landfills shall not be permitted.

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

(4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Building Permit Officer.

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

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 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 onsite sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood.

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 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 §27-1907, Prohibited Uses, shall be stored at or above the regulatory flood elevation and/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" paint or other finishing material.

(3) All wooden components (doors, trim, cabinets, etc.) 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 three feet above the one-hundred-year flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air conditioning and ventilating units and other electrical mechanical or utility equipment or apparatus shall not be located below the regulatory 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.

(Ord. 922, 9/17/1996; as added by Ord. 925, 1/21/1997, §7)

PART 20

SIGNS

§27-2001. Intent.

It is the intent of this Part to regulate all signs within the Borough to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals and general welfare. In addition, the intent of this Section is to:

A. Encourage good design in the context of the overall image and visual environment of the Borough.

B. Enhance the appearance of the business community, taking into account the nature of the use and thus stimulate as well as protect the economic vitality of the Borough.

C. Provide for signage which is adequate but not excessive and which displays a message through use of pictures, symbols and logos for rapid comprehension by the public.

D. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create a hazard to pedestrians and motorists.

E. Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.

F. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes that the Borough is supporting.

G. Promote signs which are designed utilizing clear, crisp lettering and bold, uncomplicated symbols which will identify a business or activity efficiently and also enhance the area where they are located as well as the general appearance of the street or town.

H. Prevent sign overload and excessively large signs which create a visually chaotic and competitive situation within the business community.

(Ord. 922, 9/17/1996, Art. XX, §2000; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009))

§27-2002. Conformance Required.

Any sign hereafter erected or maintained shall conform to the provisions of this Part and any other ordinance or regulations of the Borough of Ambler relating thereto.

(Ord. 922, 9/17/1996, Art. XX, §2001; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

§27-2003. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless otherwise expressly stated:

ACCESSORY USE SIGN — a sign which designates home occupations as permitted by §27-407.

ANIMATED SIGN — a sign with action or motion, flashing, color changes requiring electrical energy or electronic manufactured sources of supply, but not including wind actuated elements such as flags, banners or specialty items.

ARCHITECTURAL ELEMENT SIGN — flush wall sign or projecting wall sign that appears as an architectural element of the building and has a design appropriate to/compatible with the architectural character of the building. Architectural element signs are encouraged.

ARTISAN SIGN — a temporary sign of workmen performing services at or alterations to a building.

AWNING SIGN — any nonilluminated sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

BANNER — a sign consisting of light weight, flexible material which is supported by frame, rope, wires or other anchoring devices, which may or may not include copy, logo or graphic symbols.

BEACON LIGHT — any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure or other object.

BILLBOARD — a freestanding, off-premises sign.

BULLETIN BOARD — a sign of permanent character, including a freestanding sign, but with movable letters, words, logo or numerals indicating the names of

persons associated with or events, products or services offered upon the same premises on which the sign is located.

BUSINESS SIGN — a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

CENTRAL BUSINESS CORE — for the purposes of the sign ordinance, this shall be defined as the area on Butler Avenue between Park Avenue and Chestnut Street.

CHANGEABLE COPY — copy containing or displaying letters, numbers or graphics which is designated to be readily changed, as for a theater marquee, gas station or similar use.

CIVIC EVENT SIGN — a sign, other than a commercial sign, posted to promote and advertise an activity sponsored by the Township, school district, church, public agency, civic or charitable association or other similar noncommercial organization.

DEVELOPMENT SIGN — a sign indicating that the premises are in the process of subdivision or land development for residential and nonresidential uses.

DIRECTIONAL SIGN — a sign designating points of ingress and egress to a property, normally located at such points of ingress and egress.

DIRECTORY SIGN — a sign listing the names and/or logos of various businesses, professional or other nonresidential establishments within a shopping center or multitenanted lot. The sign may also display the name and address of the shopping center or multitenanted lot.

DOUBLE-FACED SIGN — a freestanding sign with two identical faces of equal sign area which are back to back and not more than two feet apart. In the case of gateway message signs, the faces may not be more than six feet apart.

ELECTRONIC CHANGEABLE MESSAGE SIGN — a freestanding or monument LED sign which displays electronic messages. The display may be in the form of alphanumeric messages, animation, or images. The electronic display on such signs typically changes at a frequent rate.

ERECT — to build, construct, attach, hand, place, suspend or affix, which shall also include the painting of wall signs or other graphics.

FACADE — the exterior surface of a building up to the roof line.

FESTOON LIGHTING — an electrically lighted sign comprised of either:

A. A group of incandescent light bulbs hung or strung overhead or on a building or other structure(s).

B. Light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

FLAG — a piece of fabric or other material of distinctive design that is used as a symbol of a nation, state, city, agency or corporation and which is usually displayed hanging free from a staff or halyard.

FLASHING SIGN — a sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Illuminated signs which indicate the date, time and temperature and gateway message signs will not be considered flashing signs.

FREESTANDING SIGN — a sign and supporting structure which is secured in the ground and independent of any building, fence or other support. For the purpose of this definition. "freestanding signs" may consist of the following:

A. Ground Sign. A sign designed to be viewed at eye level or below within the immediate vicinity and which is intended to be designed and viewed as an architecturally unified and proportional element. Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four feet.

B. Pole Signs. A sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.

GATEWAY MESSAGE SIGN — a sign located at the edge of the central business core (as defined herein), part of which contains a conventional freestanding or monument sign, and part of which contains an LED electronic changeable message sign. The sequence of messages and rate of change can be electronically programmed and modified by electronic processes. The sign must include a "Welcome to Ambler" message on the conventional freestanding or monument portion of the sign. The intent is to (a) advertise the business which occupies the lot where the sign lies; and (b) display civic event or information messages.

GOVERNMENTAL SIGNS — any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.

IDENTIFICATION SIGN — a wall sign indicating the name or address of a building or the name of the management thereof.

ILLUMINATED SIGN — a nonflashing or nontwinkling sign which has letters, figures, designs or outlines illuminated by a lighting source as a part of the sign. An externally illuminated sign having a surface illuminated from an external source of light intentionally directed upon it (also known as an indirectly illuminated sign). An internally illuminated sign has an artificial light source internally incorporated and includes LED, luminous tube lighting, or any sign projecting artificial light through transparent or translucent material.

INSTRUCTIONAL SIGN — a sign located within the interior of a lot, generally not visible from the street or adjoining properties, which provides information as to the location, interior operation and/or use of buildings or facilities.

INTERIOR SIGNS — any sign located fully within the interior of any building or stadium, which is intended solely for information relating to the operation of such building or stadium.

LANDMARK SIGN — an older sign of artistic or historic merit, uniqueness or extraordinary significance to the Borough as identified by the Borough Council.

LETTER HEIGHT — the height of a letter from its bottom to its top, including any shadow lines and other forms of outlining.

LUMINOUS TUBE LIGHTING — gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

MARQUEE — a permanent, roof-like structure, supported by a wall of a building, but having no relationship to the roof structure, generally designed and constructed for protection against weather.

MARQUEE SIGN — any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment.

MEMORIAL SIGN — a memorial plaque or tablet, to include grave markers or other remembrances of persons or events, which is not for commercial or advertising purposes.

MONUMENT SIGN — a sign with a supporting wall or base comprised of brick, stone, masonry, fiberglass, metal, or similar material, with no gap between the base of the sign and the ground (i.e., with no supporting posts). The supporting structure is not counted in the sign area, but is counted toward the height. If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), the base of the sign must be surrounded by a small landscaped area (with live, year-round vegetation) extending at least one foot outward from the sign in each direction.

MULTITENANTED BUILDING SIGN — a sign for a building with at least two nonresidential tenants, which lists the names and addresses of the tenants of that building and/or the name and address of the building itself.

MURAL — artwork applied to the wall of a building which covers all or most of the wall and depicts a scene or event of natural, social, cultural or historic significance.

NAMEPLATE SIGN — a wall sign which designates the name and address of an occupant or group of occupants within any one building.

NONCONFORMING SIGN — any sign which has a valid permit, was erected prior to the effective date of this Chapter or any subsequent amendment hereto and which does not otherwise conform to the provisions of this Part.

OFF-PREMISES COMMERCIAL SIGN — a commercial sign, to include billboards, which is not located on the premises or entity indicated or advertised by said sign or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

PAVEMENT — the sidewalk. Where no sidewalk exists, the legal right-of-way.

POLITICAL SIGN — a temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the general public.

PORTABLE SIGN — any sign designed to be transported or moved including, but not limited to, signs designed to be transported by wheels, signs converted to A-frames or menu and sandwich boards.

PREMISES — any lot, building, business establishment or combination thereof held under single lease or ownership.

PROJECTING SIGN — a sign which is attached directly to any building wall and which extends more than 12 inches from the face of the wall.

REGULATORY SIGN — any sign which is erected for any period of time to satisfy requirements or regulations promulgated by any Federal, State or local governmental agency.

REAL ESTATE SIGN — a temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.

RESTAURANT MENU SIGN — a flush wall sign which shows a listing of food products and corresponding prices offered by a restaurant, café or similar establishment.

REVOLVING SIGN — a sign which revolves in a circular motion rather than remaining stationary on its supporting structure.

SANDWICH BOARD SIGN — a portable sign consisting of two faces, located in front of the business it advertises, but taken down by the close of business. Sandwich boards signs are typically used to advertise dining specials or entertainment.

SIGN — any writing, figure representation, logo, emblem, flag, lighting, banner, device, letter, work or street clock and temperature announcement, which shall include any announcement, declaration, display, illustration, name identification, description or insignia, which is used to advertise or promote the interest of any person or firm, which such representation is placed in the general view of the public.

SIGN AREA — the area of all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, but excluding any supporting framework and bracing which are solely incidental to the display itself (except for luminous tube lighting, which does include supporting framework and trim in the calculation of sign area), provided that the same do not contain any such lettering, wording, designs or symbols. For the purpose of this Chapter, "sign area" shall be computed as a square or rectangle drawn at the outer limits of the sign face.

A. Where the sign consists of a double face, only one side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the interior angle formed by the faces of a sign is greater than 45°, all faces shall be considered in calculating total sign area.

B. Any spacing between signs designating different or separate occupants or uses of a building shall not be included in the computed area(s) of regulated signs.

SIGN FACE — the part of a sign that is or can be used to identify, advertise and communicate information for visual representation which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

SIGN HEIGHT — the distance from the highest portion of the sign, including all structural elements to mean grade.

SIGN PROGRAM — plan for sign design, including color, lettering style/font, and sign size, materials, and location. Sign programs that have signs with coordinated themes and that are not dramatically out of character with Borough signage are encouraged.

SIGN STRUCTURE — a supporting structure erected and used for the purpose of identification or attracting attention, with or without a sign thereon, situated upon any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.

SMALL ADDITIONAL PROJECTING WALL SIGN — projecting wall signs which are limited to a smaller size and projection distance than other projecting signs. These signs are required to include a logo or image and be part of a sign program.

TEMPORARY SIGN — any sign erected for a period of time not to exceed 30 days in any one calendar year.

TIME AND TEMPERATURE SIGN — a display containing illuminated numerals flashing alternately to show the time and the temperature.

VEHICULAR SIGN — any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs is used primarily as stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

WALL SIGN — any sign erected against the wall of a building or display on windows or doors or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than 12 inches.

WINDOW SIGN — any sign placed upon a window or inside the window and within 12 inches of the surface of the window facing the outside which is to be used for advertising purposes. "Show window displays" are not included within this definition.

(Ord. 922, 9/17/1996, Art. XX, §2002; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; by Ord. 1040, 8/4/2009; and by Ord. 1055, 1/18/2011)

§27-2004. Prohibited Signs.

Except as may be hereinafter specifically permitted, it shall be unlawful, after the effective date of this Part or any amendment thereto, for any person, firm or corporation to erect any of the following signs within the Borough of Ambler:

A. Any sign which by color, shape or location conflicts with or resembles a traffic signal device.

B. Signs attached to a utility pole, parking meter, traffic signpost, traffic signal or control device, street sign, historical marker, tree or rock.

C. Any sign which advertises or publicizes an activity or business not conducted on the premises where the business is located, except civic event or gateway message signs as defined in this Part.

D. Signs erected without the permission of the property owner or authorized agent.

E. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.

F. Signs painted on any wall surface, excluding murals.

G. Animated signs, except time and temperature signs and gateway message signs.

H. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit-way.

I. Banners, pennants or balloons, except as may be otherwise provided for within this Part.

J. Vehicular signs.

K. Abandoned or dilapidated signs.

L. Signs that exhibit statements, words or pictures of obscene or pornographic subjects.

M. Flashing signs, except that time and temperature signs and gateway message signs will not be considered flashing signs.

N. Revolving signs.

O. Festoon signs.

P. Beacon lights.

Q. Roof signs.

R. Signs that cover architectural detail.

S. Any sign inconsistent with provisions of this Part.

(Ord. 922, 9/17/1996, Art. XX, §2003; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

§27-2005. Exempt Signs.

The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, colors or area of permanent signs allowed within a zoning district:

A. Governmental signs as herein defined.

B. Real estate and development signs, subject to height, area and number requirements as set forth in this Part.

C. Political signs; provided, that no sign shall be displayed more than 30 calendar days prior to an election or for more than 10 days following the election for which it is erected.

D. Directional signs as herein defined. Signs may be illuminated, but shall not blink, flash or be animated. Trade names and logos are permitted to the minimum extent necessary.

E. Civic event signs and banners on public and private property which shall be removed within 72 hours after the event and which shall not be erected more than 30 calendar days prior to the event.

F. "No trespassing" signs and signs indicating private ownership of roadways or other property, on the same premises therewith; provided, that the total area on any one side of such sign shall not exceed one square foot and shall be spaced at intervals of not less than 100 feet of street frontage.

G. Memorial and landmark signs erected within the definition of this Part.

H. Changeable copy, repainting, cleaning and other normal maintenance and repair of a sign, unless the sign structure, design, color or lighting is altered.

I. Temporary signs, to include the following:

(1) Artisans signs; provided, that such signs shall not exceed six square feet for each sign face and are erected on the premises where the work is being performed. Signs shall be removed upon completion of active work.

(2) Signs advertising garage or yard sales; provided, that no sign shall exceed nine square feet in sign area. Signs shall be permitted only on the premises where the sale is to be conducted and limited to one for each street frontage. Signs shall be removed at the close of the garage or yard sale.

(3) Advertising signs, including banners or displays on private property within nonresidential zoning districts constructed of cloth, light fabric

or similar materials, when approved by the Zoning Officer for a period of not more than 30 cumulative days in any 12 month period. Such signs, when added to the sign area of any other signs on the premises, shall not accumulate in size to exceed the sign area permitted for permanent signs within the district where located or be in a position or of a color that presents a hazard to pedestrians or motorists.

(4) Regulatory signs as required.

(5) Address Signs. All buildings in all zoning districts shall be required to display the address of the property in such a fashion as is clearly visible from the street and which is in accord with the provisions of this Part. The area of an address sign shall be exempt from the computation of the total permitted sign area; provided, that the sign does not contain any advertising, trade names or logos.

J. Instructional signs not to exceed 10 square feet in sign area or a height of six feet above existing grade. Signs may be illuminated, but shall not blink, flash or be animated.

K. Interior signs not distinctly visible from the street or sidewalk.

L. Logo and operating instructions for an automatic teller or money access center when located on the machine.

M. Barber poles, at barbershops, with a limit of one barber pole per barbershop.

N. Any other sign as may be provided for within this Part.

(Ord. 922, 9/17/1996, Art. XX, §2004; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

§27-2006. Signs in Residential Districts.

The following types of signs and no others shall be permitted within all residential zoning districts, except as provided for otherwise within this Part:

A. Professional accessory use or nameplate signs, provided that:

(1) Signs shall be nonilluminated and not exceed two square feet in sign area.

(2) Not more than one sign shall be erected for each permitted use.

B. Signage for estates, churches, recreation areas and other permitted nonresidential uses; provided, that:

(1) The total sign area shall not exceed 15 square feet and the sign height of any freestanding sign shall not exceed eight feet above mean grade.

(2) No more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one sign may be located along each street frontage; provided, that a minimum street frontage of 100 feet is maintained between signs.

C. Signage for multifamily dwellings and residential developments; provided, that:

(1) The sign area shall not exceed 15 square feet and if freestanding, shall not exceed a sign height of six feet above mean grade.

(2) No more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one sign may be erected along each street frontage; provided, that a minimum street frontage of 100 feet is maintained between signs.

(3) In any multiple-family development in which a rental office is located, one flush wall sign not to exceed six square feet in sign area shall be permitted. The sign shall be nonilluminated and shall indicate on the name of the development, the presence of a vacancy, business hours, address and telephone number of the office.

D. Real estate signs; provided, that:

(1) Signs shall be removed within 72 hours of settlement.

(2) No more than one sign shall be erected for each 250 feet of street frontage. Signs must be placed at least 100 feet apart.

(3) Signs shall be nonilluminated and exempt from permit requirements.

(4) A maximum of two off-premises directional signs, not to exceed a sign area of three square feet, designating an open house shall be permitted. Signs shall contain only directional information and the name of the real estate agent or individual holding the open house. Signs shall be erected and removed on the day of the open house and shall not be located so as to obstruct pedestrian or vehicular traffic or be attached to a utility pole, off-site building, tree or other natural feature.

(5) The sign area shall not exceed six square feet for each exposed face and, if freestanding, shall not exceed a sign height of four feet from mean grade. Signs shall be removed within 15 days from the date of sale.

E. Development signs; provided, that:

(1) The sign area shall not exceed six square feet and a sign height of eight feet above mean grade.

(2) No more than one sign shall be erected for each 100 feet of street frontage.

(3) Signs shall be nonilluminated and exempt from permit requirements.

(4) No sign shall be erected until final approval of the development has been granted by the Borough Council and shall be removed upon completion of active work.

F. Sign regulations for residential districts shall also apply to residential uses in nonresidential districts.

(Ord. 922, 9/17/1996, Art. XX, §2005; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

§27-2007. Signs in the Nonresidential Zoning Districts DC, C, O, OC, RSC and IN.

The following types of signs shall be permitted within the zoning districts DC, C, O, OC, RSC, and IN Districts:

A. Any sign permitted in residential districts which relates to a use permitted in the district.

B. Real estate and development signs advertising the sale, rental or development of premises, provided that:

(1) The sign area shall not exceed eight square feet, and, if freestanding, shall not exceed a sign height of eight feet above mean grade.

(2) Signs shall be nonilluminated and exempt from permit requirements.

(3) Off-premises signs advertising the sale, rental or development of premises shall be prohibited within these districts.

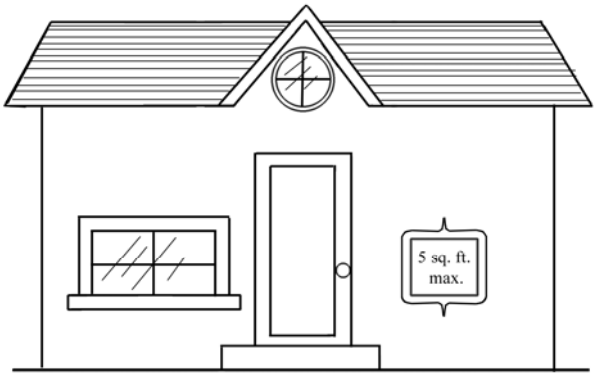
C. Business or related signs in accordance with the following regulations:

(1) For all permitted uses in the DC, C, O, OC, RSC and IN Districts, a sign or signs may be erected in accordance with the following:

(a) For building frontage from zero to 49 feet: two signs.

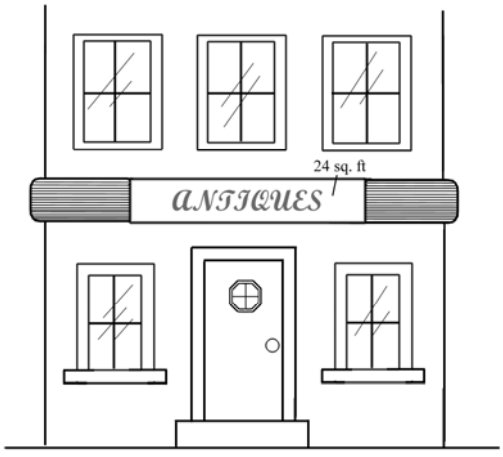
(b) For building frontage 50 or more: three signs.

(c) One flush wall sign up to five square feet in area.



Flush Wall Sign

(d) One flush wall sign which is part of the architectural design of the building, including windows and doors, not to exceed 15% of the wall area or 50 square feet total, whichever is smaller. Such signs shall not protrude outside the architectural element or structural wall of which it is a part. No wall sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade. When a lot's gross area exceeds two acres and the setback to the wall on which the sign is affixed is 70 feet or greater, flush wall signs may not exceed 20% of the wall area or 60 square feet, whichever is smaller, and shall not exceed 24 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade.



Part of Cornice

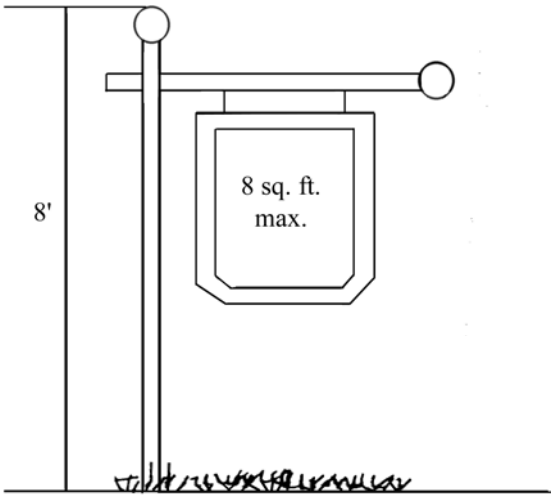
(e) One freestanding sign. Freestanding signs shall only be permitted on properties with at least 100 feet of frontage. Only signs that relate to the business on the property on which it stands shall be permitted. The maximum area for freestanding signs is 8 square feet. Freestanding signs shall not exceed a height of six feet from the mean grade to the top of the signs, and shall not exceed a height of eight feet to the top of the sign support. Freestanding signs shall not be located within the right-of-way and shall be set back a minimum distance of 15 feet from the edge of pavement. No sign shall be so located as to present a hazard to motorists or pedestrians. Freestanding signs shall be designed in the following manner:

1) Posts at either end of sign face. The sign may be designed so there is one post at either end of the sign face. There may be a total of two posts, unless the sign is comprised of two angled, vertical sign faces (in compliance with the regulations for a double-faced sign), in which case there are a total of three posts permitted.

2) Post supporting horizontal bar (see illustration below). One post is permitted to support freestanding signs where the sign face hangs from a horizontal bar.

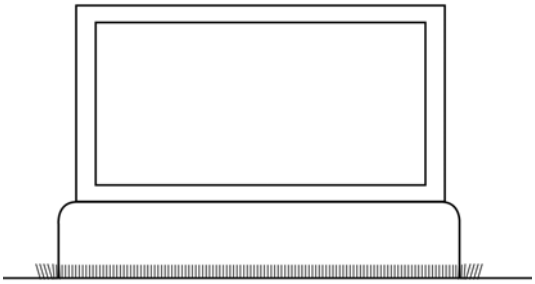
3) If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), a landscaped area with year-round vegetation should be established to extend at least one foot in a horizontal direction from all points directly below the sign, around the support post(s).

4) The support post(s) should be comprised of brick, stone, masonry, fiberglass, metal, or similar material.



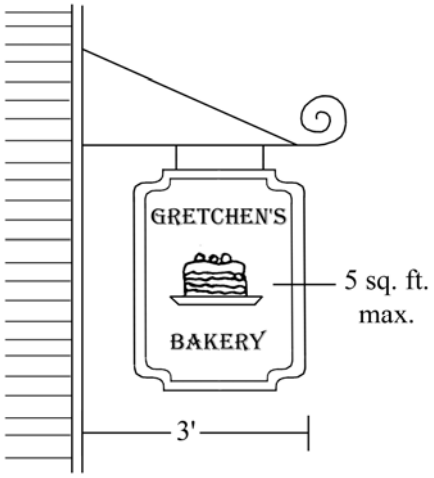
Freestanding Sign

(f) One monument sign (see illustration). Monument signs have a supporting wall or base comprised of brick, stone, masonry, fiberglass, metal, or similar material, with no gap between the base of the sign and the ground (i.e., with no supporting posts). The supporting structure is not counted in the sign area, but is counted toward the height. The maximum area of the sign face shall be six square feet, and the maximum height shall be four feet. Monument signs shall be set back 15 feet from the edge of pavement. If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), the base of the sign must be surrounded by a small landscaped area (with live, year-round vegetation) extending at least one foot outward from the base of the sign in each direction.



Monument Sign

(g) One projecting sign. The maximum area for projecting flush wall signs is five square feet. Signs cannot project more than three feet from the building wall. A minimum clearance of seven feet is required between the bottom of the sign and the sidewalk. No projecting sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade.



Projecting Sign

(h) One awning sign. The awning must fit within the frame of the building; it must not overlap any of the masonry. The slope of the awning should be sufficient to let water run off. A minimum clearance of seven feet between the vertical face and any walkway is required. Awning signs shall be permitted only on the first floor of any building. The area of signs on awnings is limited to the size of the fringe or the main area of the awning.

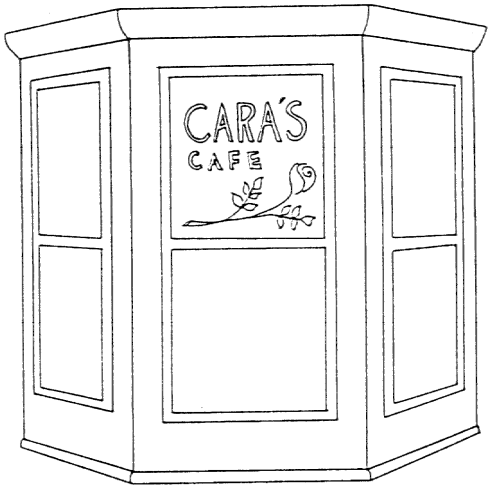
Awning Sign

(i) One window sign consisting of either a painted, hanging, or temporary paper sign.

1) Painted. Signs painted on storefront windows shall consist of individual letters and symbols only. Permanent window signs shall be limited to 20% of the total glass area of an individual window. The height of individual letters shall not exceed 12 inches.

2) Hanging. Signs hanging in storefront windows shall not exceed three square feet in area. The content of the sign shall include store names or symbols only.

3) Paper/Temporary. The maximum area of paper or temporary window signs shall be two square feet. Under no circumstance may the entire window be covered by a temporary sign.



Window Sign

(2) If a building fronts upon more than one street, one additional sign in conformity with either Subsection C(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) above may be permitted.

(3) Sandwich Board Signs. Sandwich board signs containing changeable copy shall be permitted in addition to the otherwise permitted sign area for the use according to the following regulations:

(a) The maximum height of sandwich board signs shall be four feet and the width shall not exceed two feet six inches.

(b) Plastic lettering, movable type, and dry-erase message boards shall not be permitted. Sandwich boards shall be located either adjacent to the building, or adjacent to the curb. In either location, at least three feet of sidewalk shall be left unobstructed.

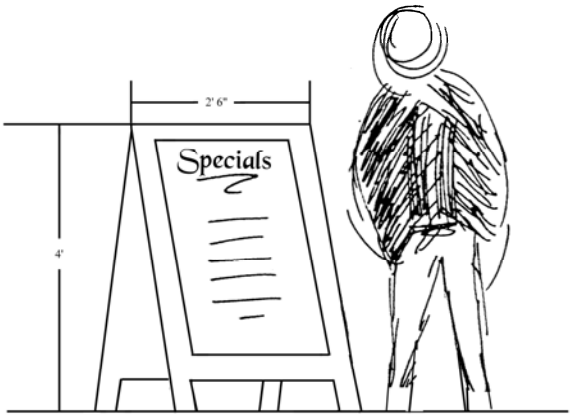
(c) A sandwich board sign will only be permitted immediately in front of the business it advertises.

(d) Only one sandwich board sign is permitted for each property or public shop entrance.

(e) Sandwich boards for businesses located on corner lots shall not interfere with the minimum sight distance of the intersection as defined in §22-202 of the Subdivision and Land Development Ordinance.

(f) Sandwich board signs shall be weighted at the base so that the sign cannot be moved by strong winds; however no sign shall be chained, tied, or otherwise affixed to any structure or object.

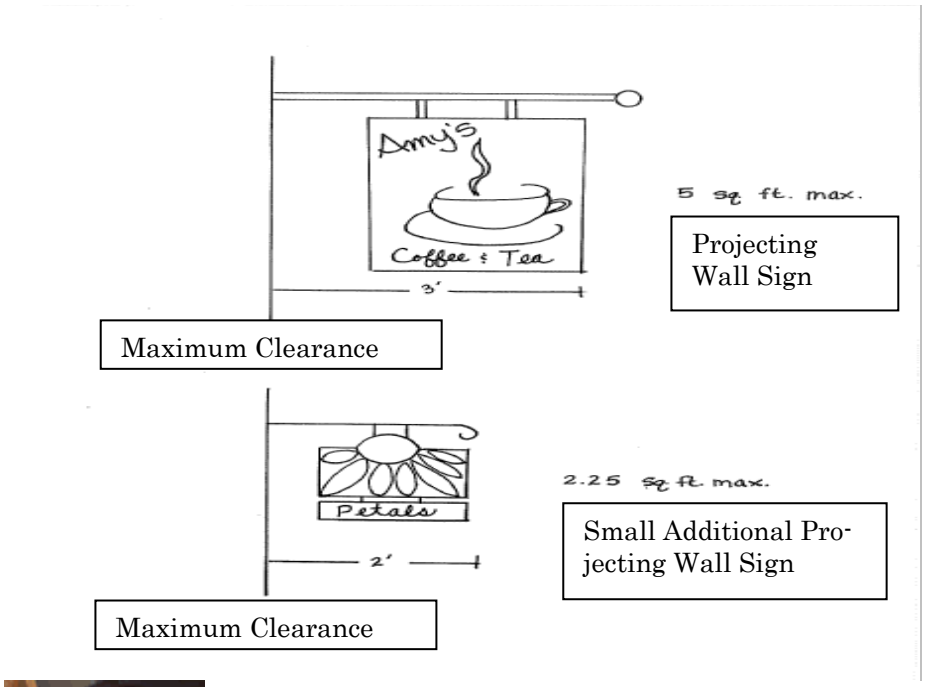
(g) Sandwich boards shall be removed from the sidewalk at the close of business hours.



Sandwich Board Sign

(4) Marquee Signs. Marquee signs containing changeable copy shall be permitted in addition to the otherwise permitted sign area for the use, exclusively for theaters and movie houses, and provided that the total sign area shall not exceed 200 square feet. Such signs shall be required at all times to maintain a minimum vertical clearance of 10 feet. Marquee signs shall be exempt from the lighting requirements as set forth in §27-2010D.

(5) Small additional projecting wall signs shall be permitted. Applicants for a permit for this sign shall submit a sign program for review and comment by the Borough Planning Commission. Additional Regulations:



Small Additional Projecting Wall Sign

(a) Logo or Image. In the interest of increasing the variety and quality of commercial signs, small additional projecting wall signs shall include a logo or image as a design element (the sign shall not be comprised exclusively of words on a plain background).

(b) Size. Small additional projecting wall signs shall be limited to 2.25 square feet (for example, 18 inches by 18 inches).

(c) Sign Projection. Small additional projecting wall signs may not project more than two feet from the building wall.

(d) Sign Clearance. A minimum clearance of seven feet required between the bottom of the sign and the sidewalk.

(e) No projecting wall sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade.

(6) Gateway Message Signs.

(a) Gateway message signs shall comply with the regulations of §27-2008.3C(1) pertaining to freestanding signs in the DC, C, O, OC, RSC, and IN Zoning Districts, unless otherwise regulated herein.

(b) One gateway message sign shall be permitted at either end of the Central Business Core. The “Central Business Core” shall be defined as the area on Butler Avenue, located between Park Avenue and Chestnut Street. (The “Central Business Core” is only defined in this manner for the purpose of regulating gateway message signs.)

(c) No more than one gateway message sign may be erected within 1,000 feet of either end of the Central Business Core [as defined in Subsection C(6)(b)], for a total of two signs in the Borough. A gateway message sign must be located on a nonresidential land use on Butler Avenue.

(d) Posts at either end of sign face. The sign may be designed so there is one post at either end of the sign face. There may be a total of two posts, unless the sign is comprised of two angled, vertical sign faces (in compliance with the regulations for a double-faced sign), in which case there are a total of three posts permitted. Each support post must be at least eight inches thick and have some architectural treatment.

(e) At least 12 square feet of the gateway message sign must be constructed as a conventional freestanding sign and include the message “Welcome to Ambler.” Letters comprising the word “Ambler” must be at least eight inches tall and occupy an eight-square-foot minimum area. Letters comprising the words "Welcome" and "to" must be at least six inches tall. No letter on the conventional freestanding portion of the sign shall exceed 10 inches in height.

(f) Maximum size: 84 square feet per side.

(g) Maximum electronic changeable message center size: 32 square feet per side.

(h) Maximum height: 19 feet to top of sign structure; bottom of sign must be at least eight feet off the ground to provide a clear sight triangle.

(i) Lighting.

1) Intensity. Lighting from the sign must not exceed an intensity of 0.5 footcandle at the property line, as measured with a portable hand-held light sensor.

2) The portion of the sign saying "Welcome to Ambler" must be illuminated so it is visible throughout the night.

3) The non-LED portion of the sign may be internally illuminated, provided that portion of the sign is comprised of light writing on a dark background.

(j) Purpose and Content. The owner of the gateway message sign shall determine the sign's message content. However, gateway message signs must display notices of community events or community messages for at least 50% of the time the sign is illuminated. (This requirement may be tested by the Code Enforcement Officer by monitoring the time allocated to community messages within any five-minute time period.) Community messages shall consist of announcements affecting the public health, safety, and welfare or announcements by the Borough, County, or other government entity, civic institutions or charitable, cultural, athletic, social, fraternal, or religious organizations. Ambler-based events and Ambler-related information should receive priority over announcements regarding events or organizations based outside the Borough.

(k) Borough Council shall have final authority in determining whether the community message requirement is being met.

(l) Message Display.

1) The fade-in/fade-out mode, where the message appears on the sign, dissolves, and another message takes its place, is required.

2) Messages may not be changed more than once every five seconds, and the screen must completely fade-out before a new message appears.

3) Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.

4) Where text is displayed on a background, the text shall be brighter than the background (i.e., dark text shall not be displayed on a bright background).

5) Each complete message must fit on one screen (i.e., no scrolling or incomplete messages permitted)

6) The letter height in electronic messages must be no greater than 12 inches.

(m) Property must have at least 150 feet of frontage on Butler Avenue (and at least 100 feet of the property's Butler frontage must be within 1,000 feet of either end of the Central Business Core for a gateway message sign.

(n) The gateway message sign may not be used for off-site advertising.

(o) Where a gateway message sign is established, the applicant may not establish:

1) Any other freestanding sign.

2) A monument sign.

3) Temporary advertising signs, including banners or displays.

4) Civic event signs.

5) A sandwich board sign.

6) A small additional projecting wall sign.

7) An additional sign or signs permitted by virtue of a building fronting on more than one street.

8) An additional sign permitted by virtue of a building having at least 50 feet of street frontage (maximum number of signs = 2).

(p) If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), a landscaped area with year-round vegetation should be established to extend at least two feet in a horizontal direction from all points directly below the sign, around the support post(s).

(q) Setback: A gateway message sign shall be set back at least 10 feet from the curb side of the pavement.

(Ord. 922, 9/17/1996, Art. XX, §2006; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; by Ord. 1040, 8/4/2009; and by Ord. 1055, 1/18/2011)

§27-2008. Signs in All Other Nonresidential Zoning Districts.

1. Any sign permitted in residential districts which relates to a use permitted in the district.

2. Real estate and development signs advertising the sale, rental or development of premises; provided, that:

   A. The sign area shall not exceed eight square feet and, if freestanding, shall not exceed a sign height of eight feet above mean grade.

   B. No more than one sign shall be erected for each 250 feet of street frontage.

   C. Signs shall not be illuminated and exempt from permit requirements.

   D. Off-premises signs advertising the sale, rental or development of premises shall be prohibited within these districts.

3. Any sign permitted in the CBD Commercial Zoning District. Business or related signs in accordance with the following regulations:

   A. Sign Area. The total sign area of all signs placed on a lot or facing any one street frontage of any one premises shall not exceed two square feet for each linear foot of building frontage. Nontemporary window signs shall be included in the computation of total permitted sign area. The total area of all window signs, including both temporary and non-temporary window signs, shall be limited to 20% of the total glass area.

   B. Wall Signs. The total sign area of all wall signs placed on any one premises shall not exceed two square feet for the first 15 linear feet of building frontage, plus one square foot of sign area for each additional foot of building frontage, up to a maximum sign area of 50 square feet. No wall sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade. When a building has frontage on more than one street, the sign area of all wall signs along each street shall be limited by the amount of frontage along that street. When a lot's gross area exceeds two acres and the setback to the wall on which the sign is affixed is 70 feet or greater, wall signs otherwise limited in this paragraph to 50 square feet may be 60 square feet in maximum sign area, and shall not exceed 24 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade.

   C. Freestanding Signs. For each commercial building, shopping center, office building, mixed use development or group of contiguous buildings under one ownership or control, one freestanding sign shall be permitted for each street frontage and/or major point of ingress and egress; provided, that a minimum street frontage of 100 feet shall be required between each sign.

(1) Area and Height Regulations.

(a) Pole Signs. Pole signs shall not exceed a sign area of 25 square feet on each side. The maximum height of pole signs shall be 10 feet measured from the mean level of the ground surrounding the base of the sign to a point midway between the highest and lowest points at the top of the structure.

(b) Ground Signs. Ground signs shall not exceed a sign area of 25 square feet on each side. The maximum height of ground signs shall be six feet measured from the mean level of the ground surrounding the base of the sign to a point midway between the highest and lowest points of the top of the sign structure.

(2) Sign Contents. A freestanding sign shall contain only the name, address, logo and/or telephone number of the permitted use.

(3) Location. Freestanding signs shall not be located within the right-of-way and shall be set back a minimum distance of 15 feet from the edge of pavement. No sign shall be so located as to present a hazard to motorists or pedestrians.

(Ord. 922, 9/17/1996, Art. XX, §2007; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; by Ord. 1040, 8/4/2009; and by Ord. 1055, 1/18/2011)

§27-2009. Signs on Nonconforming Use Premises.

Signs located on nonconforming use premises shall be limited to the sign regulations of the district where the use is first permitted and shall be subject to all other requirements of this Chapter; provided, that any freestanding sign located on the premises shall be limited to a ground sign.

(Ord. 922, 9/17/1996, Art. XX, §2008; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

§27-2010. General Regulations.

The following restrictions and regulations shall be applicable to all permanent signs as permitted by this Part, unless otherwise specified:

A. Materials.

(1) All signs, excluding awning and window signs, shall be constructed only from wood, metal, stone or other appropriate material which have the general appearance of structures composed primarily of wood, metal or stone with painted, engraved or raised messages. Sign

materials should be consistent with and compliment the original construction materials and architectural style of the building facade on which they are to be displayed. For this reason, natural materials such as wood, stone and metal are most appropriate. If plywood is used, medium density overlay (MDO) shall be used as a minimum grade.

(2) Window Signs. Luminous tube lighting is permitted in windows only to the extent that the total signage does not exceed 20% of the building's total window area on the side of building where the signs are displayed.

B. Lettering. Lettering styles should compliment the style and architecture of the building on which they appear. Traditional block and curvilinear styles that are easy to read are preferred.

C. Color. Each sign so erected shall contain a maximum of four colors, including black and white. In selecting the principal colors for a sign, colors that compliment the general tone of the building should be used. Business logos shall not be included in determining the maximum number of colors.

D. Illumination. Where permitted, signs shall be illuminated only in accordance with the following regulations as authorized in an appropriate sign permit:

(1) External light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists, or to shine onto adjacent properties.

(2) With the exception of marquee signs, signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of the sign are visible. No light shall emanate through the background, the borders, sides or any other surface of the sign or its supporting structure. Individual, solid letters with internal lighting tubes which backlight a wall in a halo effect shall be permitted. Internally illuminated signs shall not be luminous tube lighting, except for the allowance of window signs as set forth in this Part and further excepting that a luminous tube lighting sign of less than three square feet displaying the words "open" or "closed" shall be permitted when affixed to a wall or building. No framework, bracing, or decorative trim, including trim around a window that has a permissible luminous tube light affixed thereto, may be luminous tube lighting.

(3) Illuminated strings of light which outline rooflines, doors, windows, signs or wall edges shall be permitted year-round; provided, the lighting consists of single string, white bulbs and stationary illumination. Lights must be constantly maintained, i.e., burned out bulbs must be

replaced immediately. Luminous tube lighting may not be used to outline buildings, walls, or objects.

E. Electrical Connections. The applicant shall hire and pay for an electrical inspection by a competent and licensed third party underwriter. The Borough shall be notified by the applicant of the decision of the underwriter and the date on which it was rendered.

F. Nuisance. No sign shall create a public nuisance by emitting smoke, sound, vapor, particle emission or odors.

G. Sign Removal. Any sign which no longer advertises an existing business conducted on the premises shall be removed by the owner of the sign. The Zoning Officer, upon determining that such business operations have ceased while a sign remains, shall notify the owner of the premises, in writing, to remove said sign within 30 days from the date of such notice. Upon failure to comply with such notice within the prescribed period, the Zoning Officer is hereby authorized to remove or cause removal of such sign and to collect the cost of such removal, together with any penalties, from the owner in a manner provided by law.

(Ord. 922, 9/17/1996, Art. XX, §2009; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; by Ord. 1040, 8/4/2009; and by Ord. 1055, 1/18/2011)

§27-2011. Nonconforming Signs.

1. A nonconforming sign may continue in its current use and location, provided it is maintained in safe and good repair.

2. If and when the sign is replaced, the new sign shall comply with the requirements of this Chapter. Replacement of the sign shall not include simply revising the text or color of the sign, but shall include structural replacement and/or relocation of the sign.

(Ord. 922, 9/17/1996, Art. XX, §2010; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

§27-2012. Permits.

1. Permit Required. It shall be unlawful for any person, firm or corporation to erect, alter, repair or relocate any sign within the Borough of Ambler without first obtaining a sign permit, unless such sign is specifically except from the permit requirements.

2. Application for Permit. Application for sign permits shall be made upon forms provided by the Zoning Officer and shall contain and/or have attached the following information, where relevant:

   A. Name, address, telephone number and signature of the owner or duly authorized agent for the property owner.

   B. Name, address, telephone number and signature of the owner of the sign.

   C. Name, address and telephone number of the sign contractor.

   D. Two copies of a plan drawn to scale depicting:

      (1) Lot dimensions, building frontage and existing cartways, rights-of-way and driveways.

      (2) Design of each sign face and sign structure with dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.

      (3) Building elevations, existing and proposed facades, parapet walls, cornices and the location and size of all proposed and existing permanent signage, including wall signs, window signs, projecting signs and freestanding signs.

      (4) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.

   E. A security deposit in an amount as established, from time to time, by resolution of Borough Council shall be submitted at the time of permit application. Said deposit will be returned to the applicant once the sign(s) has been constructed, inspected by the Zoning Officer and found to be in compliance with all regulations.

   F. Such other information which may be required by the Zoning Officer to show full compliance with this and all other ordinances of the Borough.

3. Design Review. Upon submission of an application for a sign permit, such application may be referred by the Zoning Officer to the Borough Planning Commission. The Borough Planning Commission shall review the application to ensure compliance with the provisions and intent of this Part.

(Ord. 922, 9/17/1996, Art. XX, §2012; as amended by Ord. 951, 12/18/2000; by Ord. 991, 8/15/2005; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

§27-2013. Structural Requirements, Maintenance and Illumination.

1. No sign or sign structure shall be erected unless it complies with all applicable requirements of the Building Code [Chapter 5].

2. Permits for illuminated signs shall not be submitted for review unless an application is filed concurrently for an electrical permit. All work shall be completed in full compliance with the Electrical Code as set forth in the 1990 BOCA Electrical Code [Chapter 5].

3. All signs and sign structures shall be kept in good repair and in a presentable condition, such that all sign information is clearly legible. Any sign found to show deterioration, including rust, faded colors, discoloration, holes and missing parts or information items, shall constitute a violation of this Part.

(Ord. 922, 9/17/1996, Art. XX, §2013; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

§27-2014. Violations and Penalties.

Any person who fails to comply with any or all of the requirements of this Part or who fails to or refuses to comply with any notice, order or direction of the Zoning Officer, Code Enforcement Officer or other law enforcement offices duly authorized by the Borough to enforce its ordinances, made hereunder shall be guilty of an offense and, upon conviction thereof, shall pay a fine to the Borough of Ambler of not less than $300 nor more than $1,000 plus costs of prosecution. Each day during which any violation of this Part continues shall constitute a separate offense and shall be punishable as such.

(Ord. 922, 9/17/1996, Art. XX, §2013; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

PART 21

OFF-STREET PARKING AND LOADING

§27-2101. General Provisions.

1. A motor vehicle garage space or an outdoor parking space shall be not less than nine feet wide by 18 feet long, exclusive of adequate interior driveways and exclusive of driveways connecting the garage parking space with a street or alley.

2. When a bumper stop is incorporated in the plan in an outdoor parking space, the final two feet of length may extend beyond the bumper stop over an area of non-impervious material.

3. Outdoor parking space and the approaches thereto shall be covered with a dust-free, paved surface, with the exception of the overhang. Such outdoor parking space shall be deemed to be part of the open space on the lot on which it is located.

4. Parking lots shall not be used for the sale, repair or dismantling of vehicles, equipment, materials or supplies.

5. Parking lots shall be properly graded for drainage and surfaced in accordance with Borough Engineering standards.

6. No parking shall be permitted on any lot except within an improved parking space.

(Ord. 922, 9//17/1996, Art. XXI, §2100)

§27-2102. Required Spaces.

Where a use is not specifically listed below, the requirement(s) of the most similar use shall be applied.

Use	Requirement
Single-family detached two-family, single-family attached dwelling, garden apartment	2 space per dwelling unit
Mid-rise apartment	1.5 spaces per unit
Retirement community, elderly housing	1 space per dwelling unit
Tourist home, boarding or rooming house, bed and breakfast	2 spaces plus 1 space per rental unit or guest room
Institution	As specified in Part 17
Indoor Recreation:	
Theater	1 space per 4 seats

Use	Requirement
Bowling Alley	5 spaces per lane
Court for racquet sports	2 spaces per court
Sports club/health spa, billiard room, etc.	1 space per 250 square feet of gross floor area
Other indoor recreation	1 space per 250 square feet of gross floor area
Outdoor recreation: (ballfield or other outdoor court)	1 space per 4 person of total designed capacity
Supermarket	1 space per 250 square feet of gross floor area
Convenience store	1 space per 250 square feet of gross sales floor area plus 1 space per employee on the largest shift
Retail store	1 space per 250 square feet of gross sales floor area plus 1 space per employee on the largest shift
Personal service shop	1 space per 250 square feet of gross floor area devoted to customer sales and/or service, plus 1 space per employee on the largest shift
Bank, financial institution	
without drive-up teller(s)	6 spaces per teller window
with drive-up teller(s)	4 spaces per inside teller window plus 3 spaces per drive-up tell window (queuing spaces)
with walk-up automated teller machine (ATM)	As required above, plus 2 spaces per ATM
Restaurant	
fast food:	1 space per 50 square feet of patron floor area, plus 1 per employee on the largest shift
other:	1 space per 100 square feet of patron floor area, plus 1 per employee on the largest shift
Bar or tavern	1 space per 100 square feet of patron floor, plus 1 per employee on the largest shift
Vehicle sales	1 space per 500 square feet of indoor gross floor area, plus 1 space per 5,000 square feet of outdoor sales area
Motor vehicle service/repair	3 spaces per service bay
Gasoline station	
fuel only:	2 spaces per fuel pump plus 1 space per employee on the largest shift
with vehicle service/repair	As required above, plus 3 spaces per service bay
with mini-market	As required above, plus 1 space per 250 square feet of gross sales floor area
Undertaking or funeral establishment	1 space per 4 seats or per 50 square feet of public floor area, whichever is greater
Hotel, motel	1 space per room plus 1 per 200 square feet of additional public floor area. Any restaurant, bar, etc., shall be treated as a separate use.
Medical/dental office	4 spaces per practitioner plus 1 space per employee on largest shift

Use	Requirement
other office:	1 space per 250 square feet of gross floor area
Wholesale or warehouse	
without retail sales	1 space per 500 square feet of gross floor area or per employee on the largest shift, whichever is greater; plus 1 unloading area/dock for each building complex
with retail sales	As required above, plus 1 space per 250 square feet floor area devoted to retail sales
Storage or distribution facility	1 space per 500 square feet of gross floor area or per employee on the largest shift, whichever is greater; plus 1 unloading area/dock for each building complex
Manufacturing, industrial	1 space per 500 square feet of gross floor area or per employee on the largest shift, whichever is greater; plus 1 unloading area/dock for each building complex
Research and development facility	1 space per 250 square feet of gross floor area
Veterinarian, animal hospital or kennel	1 space per 250 square feet of gross floor area

(Ord. 922, 9//17/1996, Art. XXI, §2101)

§27-2103. Reserve Parking.

If the number of spaces required by §27-2102 above is substantially larger than the number anticipated by the applicant, reserve parking may be used in accordance with the following requirements:

A. The applicant shall provide evidence of reduced parking needs to the Borough for review and recommendation by the Borough Planning Commission and Engineer.

B. The total number of spaces required may be reduced up to 25% by Borough Council.

C. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by §27-2102 if and when they are deemed necessary by Borough Council, upon review and recommendation by the Borough Planning Commission and Engineer. All stormwater engineering shall be designed based on the total parking requirements, including the reserve. Wherever possible, the reserved area shall be maintained as open green space, but shall not be counted toward any permanent open space that may be required by the applicable zoning district.

D. In addition, a re-evaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of employees).

Following re-evaluation, Borough Council may require installation of additional parking spaces, upon review and recommendation by the Borough Planning Commission and Engineer.

E. The applicant shall provide a financial guaranty to cover the costs of engineering and construction of the reserve parking spaces for a period of 18 months following construction of the initial spaces.

(Ord. 922, 9/17/1996, Art. XXI, §2102)

§27-2104. Common Parking and Off-Site Facilities.

The parking spaces required in §27-2102 for nonresidential uses may be located elsewhere than on the same lot and shared when authorized as a special exception, subject to the following conditions:

A. The owner(s) of the establishment(s) shall submit with the application for special exception a site plan showing parking location and, in the case of shared parking, of the proposed distribution of spaces among the establishments.

B. In the case of shared parking, the Zoning Hearing Board may, in its discretion, reduce the total required amount of parking space upon determination that greater efficiency is achieved through joint use of a common parking area, provided the ratio of total off-street parking space area to total sales floor area is not reduced by more than 25%.

C. An application for shared common parking shall include information concerning any easement, lease, or other arrangement which assures shared use and shall be recorded on the land development plan.

D. Where shared parking is proposed, some portion of the common parking area shall be within 200 feet of a patron entrance used for one of the businesses involved in the proposal.

(Ord. 922, 9/17/1996, Art. XXI, §2103)

§27-2105. Handicapped Parking.

1. Multifamily residential and all nonresidential uses shall provide parking spaces for the physically disabled.

2. For parking lots of 10 spaces or less, one oversized space and ramp shall be provided, as per subsections three and four below. The oversized space need not be marked as a handicapped space and may be used by the general public. For lots of

over 10 spaces, a ratio of one handicapped space per 25 standard spaces, or portion thereof, shall be used.

3. Required handicapped spaces shall be a minimum of 12 feet wide by 20 feet long and shall be paved like standard spaces.

4. Handicapped spaces should generally be located on the shortest possible route to an accessible entrance to the building. Ramps shall be provided for convenient access from parking spaces to accessible entrances and sidewalks. Such spaces should be placed to permit unloading of wheelchairs from either side of the vehicle.

5. The pavement shall be marked with the international symbol of accessibility. An above-ground sign shall be clearly visible from the driveway to designate each handicapped space.

(Ord. 922, 9/17/1996, Art. XXI, §2104)

§27-2106. Off-Street Loading.

In addition to required off-street parking, off-street loading spaces shall be required for all commercial and industrial uses requiring regular delivery or shipping of goods, merchandise or equipment by semi-trailer truck. Off-street loading areas shall comply with the following:

A. Required loading areas shall not be used for storage of vehicles or materials or as off-street parking.

B. The location and size of loading areas shall be adequate for the safe parking of trucks and maneuvering space shall be provided so that ingress and egress can occur on the lot without backing out onto a public street.

C. Two or more establishments may use a common loading area if it meets the requirements of Subsection (B) above.

(Ord. 922, 9/17/1996, Art. XXI, §2105)

PART 22

ADMINISTRATION

§27-2201. General.

The provisions of this Chapter shall be administered by the Borough Zoning Officer.

(Ord. 922, 9/17/1996, Art. XXII, §2200)

§27-2202. Appointment and Powers of Zoning Officer.

1. The Zoning Officer shall be appointed by Borough Council and shall not hold any elective office in the Borough of Ambler.

2. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(Ord. 922, 9/17/1996, Art. XXII, §2201)

§27-2203. Duties and Powers.

1. It shall be the duty of the Zoning Officer and he shall have power to:

   A. Keep a record of all plans and applications for permits and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection.

   B. Review applications for zoning permits for erections or alterations of structures or changes of use, determine whether such construction or use is in accordance with the general requirements of this Chapter, all other applicable ordinances and with the laws and regulations of the Commonwealth and the United States. The Zoning Officer shall issue no permit unless it conforms with all applicable ordinances, statutes and regulations.

C. Conduct inspection and surveys to determine compliance or noncompliance with the terms of this Chapter. In carrying out such surveys, the Zoning Officer or his representative may enter upon any land or buildings.

D. Make written orders requiring compliance with the provisions of this Chapter to be served personally or by registered mail.

E. Institute proceedings in courts of proper jurisdiction for the enforcement of provisions of this Chapter.

F. Maintain a map showing the current zoning classification of all land.

G. Maintain a map and register showing the registration, identity, location and type of all nonconforming uses.

2. The Zoning Officer shall issue no permit for the construction or use of any land or building unless it also conforms to the requirements of all other ordinances of Ambler Borough and with the laws of the Commonwealth and the United States.

(Ord. 922, 9/17/1996, Art. XXII, §2202; as amended by Ord. 925, 1/21/1997, §§2,3)

§27-2204. Permits.

1. No building shall be constructed or altered in the Borough or the use of any building and/or land changed, until a permit has been secured from the Zoning Officer. Work on proposed construction and/or development shall begin within six months after the date of issuance of a building permit or the permit shall expire, unless a time extension is granted, in writing, by the Building Inspector. A time extension shall be requested, in writing, and set forth sufficient and reasonable cause for it. Upon completion of the work authorized by any permit, the applicant for the permit shall notify the Zoning Officer of such completion. No permit shall be considered as complete or permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this Chapter.

2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

A. 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.

B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

3. All applications for zoning permits shall be made in writing by the owner, tenant or authorized agent and shall be filed with the Zoning Officer on forms prescribed by him. The application:

A. Shall include a statement as to the proposed use of the building and/or land.

B. Shall be accompanied by working plans drawn to scale, showing the location of the building in relation to property and road lines.

C. Shall include a statement that the side lines of all roads shown on the plan have been located and staked on the premises by a surveyor or other person competent to give such location.

D. Shall give the name and address of the person who has so located and staked the road lines.

(Ord. 922, 9/17/1996, Art. XXII, §2203; as amended by Ord. 925, 1/21/1997, §4)

§27-2205. Applications for Permits.

All applications for zoning permits shall be made in writing by the owner, equitable owner, tenant or authorized agent and shall be filed with the Zoning Officer on forms prescribed by him. The application:

A. Shall include a statement as to the proposed use of the building and/or land.

B. Shall be accompanied by working plans drawn to scale, showing the location of the building in relation to property and road lines.

C. Shall include a statement that the side lines of all roads shown on the plan have been located and staked on the premises by a surveyor or other person competent to give such location.

D. Shall give the name and address of the person who has so located and staked the road lines.

(Ord. 922, 9/17/1996, Art. XXII, §2204)

§27-2206. Enactment of Zoning Ordinance.

Before voting on the enactment of a zoning ordinance, the Borough Council shall hold a public hearing thereon, pursuant to public notice. The vote on the enactment by the Borough Council shall be within 90 days after the last public hearing. Within 30 days

after enactment, a copy of the zoning ordinance shall be forwarded to the County Planning Commission.

(Ord. 922, 9/17/1996; as added by Ord. 991, 8/15/2005)

PART 23

ZONING HEARING BOARD

§27-2301. Appointment.

The Ambler Borough Council shall appoint a Zoning Hearing Board consisting of three residents of the Borough of Ambler. The terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year.

A. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be for the unexpired portion of the vacant term. Members of the Board shall hold no other office in the Borough.

B. The Borough Council may appoint by resolution at least one, but no more than three, residents of the Borough to serve as alternate members of the Board with a term of office of three years. When seated, 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 as a voting member of the Board.

C. Any Board Member may be removed for malfeasance, misfeasance of nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received 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.

D. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

E. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

F. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel (other than counsel for the Borough), consultants and other technical and clerical services. Member of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall

it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

(Ord. 922, 9/17/1996, Art. III, §2300)

§27-2302. Applicant Request Information.

If the applicant is requesting that the Zoning Hearing Board grant a special exception or interpretation of this Chapter, the application shall set forth the nature of the variance or special exception or the question for interpretation and shall state briefly the reasons why such relief is requested.

(Ord. 922, 9/17/1996, Art. XXIII, §2301)

§27-2303. Appeals.

An appeal to the Zoning Hearing Board from the decision of the Zoning Officer shall be taken within 30 days of such decision.

(Ord. 922, 9//17/1996, Art. XXIII, §2302)

§27-2304. Zoning Permit Fees.

The applicant for a zoning permit shall, at the time of making the application, pay to the Zoning Officer for the use of the Borough, such fees as may be established, from time to time, by resolution of the Borough Council.

(Ord. 922, 9/17/1996, Art. XXIII, §2303)

§27-2305. Jurisdiction.

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 Borough Council pursuant to §609.1 and 916.1(a)(2) of the MPC.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance pursuant to §912.1 of the MPC.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's preliminary opinion under §916.2 of the MPC.

I. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.

(Ord. 922, 9/17/1996, Art. XXIII, §2304)

§27-2306. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice proved herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(1) The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

(2) The first hearing before the Board or Hearing Officer shall be commenced 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or Hearing Officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or Hearing Office shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief, and applicant may, upon request, be granted additional hearing to complete his case-in-chief provided the persons opposed to the application are granted an equal number additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

B. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

C. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for the purpose.

D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the

attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board is such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

H. 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 communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

I. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings area final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under §916.1 of the Pennsylvania Municipalities Planning Code where the Board fails to render the decision within the a period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in Subsection

(A)(2), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection (A) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal.

J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 922, 9/17/1996, Art. XXIII, §2305; as amended by Ord. 991, 8/15/2005)

§27-2307. Expiration of Special Exceptions and Variances.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six months of the date of the authorization thereof.

(Ord. 922, 9/17/1996, Art. XXIII, §2306)

§27-2308. Zoning Hearing Board Fees.

The Borough Council may prescribe, by resolution, reasonable fees with respect to hearings before the Zoning Hearing Board within the limits set forth in §908.1.1 of the MPC.

(Ord. 922, 9/17/1996, Art. XXIII, §2306)

PART 24

VIOLATIONS AND REMEDIES

§27-2401. Violations.

It shall be the duty of the Zoning Officer to take cognizance of violations of this Chapter. He shall investigate each violation which comes to his attention whether by observation or by communication. He shall order in writing the correction of such conditions as are found to be in violation of this Chapter. Failure to secure a zoning or use permit, or a Zoning Hearing Board certificate when required, previous to erection, construction, extension or addition to a building, or change in use of land or building as in this Chapter provided, shall be a violation of this Chapter.

(Ord. 922, 9/17/1996, Art. XXIV, §24)

§27-2402. Enforcement Notice.

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending and enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

    A. The name of the owner of record and any other person against whom the Borough intends to take action.

    B. The location of the property in violation.

    C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

    D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

    E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.

    F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

4. In any appeal of an enforcement notice to the Zoning Hearing Board the Borough shall have the responsibility of presenting its evidence first.

5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

(Ord. 922, 9/17/1996, Art. XXIV, §2401; as amended by Ord. 991, 8/15/2005)

§27-2403. Causes of Action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by he alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

(Ord. 922, 9/17/1996, Art. XXIV, §2402)

§27-2404. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Borough 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, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues it shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one 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 zoning ordinances shall be paid over to the Borough.

2. The Court of Common Pleas, upon petition, may grant an order of stay upon cause show, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(Ord. 922, 9/17/1996, Art. XXIV, §2403; as amended by Ord. 991, 8/15/2005)

§27-2405. Jurisdiction.

District justices shall have initial jurisdiction over proceedings brought under §27-2404.

(Ord. 922, 9/17/1996; as added by Ord. 991, 8/15/2005)

PART 25

AMENDMENTS

§27-2501. General.

The Borough Council may, from time to time, amend, supplement, change, modify or repeal this Chapter, including the Zoning Map. Following the procedure set forth in §607 of the MPC for enacting a proposed zoning ordinance is optional, but in all events the following procedure shall be followed with respect to amendments:

A. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

(1) In addition to the requirement that notice be posted under Subsection (A), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

(2) This subsection shall not apply when the rezoning constitutes a comprehensive rezoning.

B. In the case of an amendment other than that prepared by the Planning Commission the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

C. 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 Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

D. At least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the Montgomery County Planning Commission for recommendations.

E. The Borough may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

F. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Montgomery County Planning Commission.

(Ord. 922, 9/17/1996, Art. XXV, §2500; as amended by Ord. 991, 8/15/2005)

§27-2502. Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this chapter or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided by the Borough Council in accordance with the provisions of the §609.1 of the MPC.

(Ord. 922, 9/17/1996, Art. XXV, §2501; as amended by Ord. 991, 8/15/2005)

§27-2503. Borough Curative Amendments.

If the Borough determines that the zoning ordinance or any portion thereof is substantially invalid, the Borough shall declare by formal action the zoning ordinance or portions thereof substantially invalid and propose a curative amendment to overcome such invalidity under the provisions of the §609.2 of the MPC.

(Ord. 922, 9/17/1996, Art. XXV, §2502; as amended by Ord. 991, 8/15/2005)

§27-2504. Publication, Advertisement and Availability of Ordinances.

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough council shall publish the proposed ordinance or amendment in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

B. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if dully recorded therein.

(Ord. 922, 9/17/1996; as added by Ord. 991, 8/15/2005)

PART 26

NONCONFORMING STATUS

§27-2601. Nonconforming Status.

All buildings, structures, uses of land, uses of buildings, lots and signs which do not conform to all of the applicable requirements of this Chapter shall be considered as nonconforming, provided that:

A. They lawfully existed on the date of passage of this Chapter.

B. They lawfully existed on the date of passage of a text or map amendment to this Chapter, which amendment caused the nonconforming status.

(Ord. 922, 9/17/1996, Art, XXVI, §2600)

§27-2602. Nonconforming Classifications.

Nonconforming status shall be classified as follows:

A. Nonconforming Use. The existing lawful use of land and/or buildings and/or structures upon the land which does not conform to any of the permitted uses of the district in which it is located.

B. Nonconforming Building or Structure. Any existing lawful building or structure that does not conform to the height, location, size, bulk or other dimensional requirements of the district in which it is located. This does not include signs.

C. Nonconforming Lot. Any existing lot which does not conform to the area and/or width requirement for lots in the district in which it is located.

D. Nonconforming Sign. Any sign, signboard, billboard or advertising device existing at the time of the passing of this Chapter that does not conform in use, location, height or size with the regulations of this Chapter shall be considered a nonconforming sign.

E. Temporary Nonconforming Use. A temporary nonconforming use, which will benefit the public health, safety or welfare or promote proper development of a district in conformity with the intent of this Chapter, may be permitted for a period of not more than 30 days on the approval of an application for a special exception by the Zoning Hearing Board, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Zoning Hearing Board approval may be granted for a period not to exceed one year. A building permit and/or use and occupancy permit shall be

required for any structure associated with such a temporary use, in accordance with the standards and regulations for permanent structures and uses.

(Ord. 922, 9/17/1996, Art. XXVI, §2601)

§27-2603. Nonconforming Uses.

The following regulations shall govern all properties to which nonconforming status is applied.

A. Nonconforming status shall continue and a property may continue to be used as nonconforming until it complies with the requirements of this Chapter.

B. Change of Use.

(1) A nonconforming use may be changed only to a conforming use.

(2) If a nonconforming use is changed to a conforming use, then the previous nonconforming status shall become null and void.

C. Discontinuance. A nonconforming use, when discontinued, may be resumed any time within one year from such discontinuance, but not thereafter. The resumption must be of the same use.

D. Whenever a use district shall be thereafter changed, any existing use in such changed district may be continued, provided that no structural alternations are made other than those ordered by an authorized public officer to assure the safety of the building or structure.

E. Extension of Expansion. A nonconforming use, building or structure, not including signs, may be extended or expanded in compliance with the following:

(1) The parcel on which extension or expansion occurs shall include only that lot, held in single and separate ownership, on which the use, building or structure existed at the time it became nonconforming. Expansion or extension onto adjoining lots is prohibited.

(2) Nonconforming use of a building may be extended throughout the building.

(3) A nonconforming use may be extended to a new building on the same lot, in compliance with Subsection (E)(5) below, and provided that the nonconforming use continues in the existing building.

(4) A building which houses a non-conforming use may be expanded by no more than 25% of its gross floor area at the time it became nonconforming.

(5) Extension and/or expansion as provided for above shall be permitted only to extent that all new construction shall comply with the dimensional standards of the district in which the building is located, except that expansion of a building that is nonconforming with respect to a required setback may be built on line with the existing nonconforming building line. A violation of any dimensional standard not previously violated shall not be permitted.

(Ord. 922, 9/17/1996, Art. XXVI, §2602)

§27-2604. Additional Building Regulations.

1. Buildings that are under construction at the time they become nonconforming may be continued to completion; provided, that valid building permits have been issued for those buildings and substantial construction has begun. If the building was intended for a use which has become nonconforming after construction of the building had begun, the building may be occupied and used for that legal use intended at the time the building permit was issued, or for one which is otherwise in conformance with the regulations for the zoning district in which the building is located.

2. Nonconforming primary structures damaged or destroyed by fire, explosion, accident of calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used as before; provided, that:

   A. The reconstructed building shall not exceed the dimensions of the damaged or destroyed building, including height, width, depth, volume.

   B. Building reconstruction shall be started within one year from the date the building was damaged or destroyed and shall be carried out without interruption.

   C. The building will pose no hazard to safety.

3. Legally condemned nonconforming buildings shall not be rebuilt or used except to conformance with this Chapter.

(Ord. 922, 9/17/1996, Art. XXVI, §2603)

§27-2605. Nonconforming Lots of Record.

1. A lot of public record, in single and separate ownership at the time of enactment of this Chapter, or amendments thereto, which is not in conformance with the area or width requirements of the district in which it is located, shall be deemed nonconforming and shall be subject to the following regulations:

   A. Said lot may be used as otherwise permitted in that district following the granting of a variance by the Zoning Hearing Board for the particular use.

   B. Where two or more contiguous undeveloped lots are held in single ownership, within a subdivision which has been duly recorder prior to the effective date of this Chapter, which lots are individually not of the required minimum area or width for the district in which they are situated, such lots shall be developed in groups thereof in order to provide the minimum lot area and frontage required for each lot.

2. Exception. A nonconforming lot of record, which is part of a subdivision plan approved by Borough Council and recorded in the office of Recorder of Deeds as such and which is in compliance with the zoning regulations in effect immediately prior to the date of enactment of this Chapter may be developed in accordance with the terms of such approval and preceding zoning regulations.

(Ord. 922, 9/17/1996, Art. XXVI, §2604)

§27-2606. Signs.

1. A nonconforming sign may continue in its current use and location, provided it is maintained in safe and good repair.

2. If and when the sign is replaced, the new sign shall comply with the requirements of this Chapter. Replacement of the sign shall not include simply revising the text or color of the sign, but shall include structural replacement and/or relocation of the sign.

(Ord. 922, 9/17/1996, Art. XXVI, §2605)

§27-2607. Administration.

1. In all matters pertaining to nonconforming status, the Zoning Officer shall make the initial determination. The Zoning Officer may seek the advice of the Borough Planning Commission, Borough Solicitor and/or others in making a determination.

2. If it cannot be determined by means of positive documentation that a use or structure was in lawful existence at the time an ordinance or amendment would have

rendered it nonconforming, the Zoning Officer must refuse to confer nonconforming status.

3. If the applicant disagrees with the Zoning Officer's determination, the applicant may appeal to the Zoning Hearing Board as provided by law.

(Ord. 922, 9/17/1996, Art. XXVI, §2606)

PART 27

RO REDEVELOPMENT OVERLAY DISTRICT

§27-2701. Statement of Intent.

It is the intent of this District to:

A. Encourage new development and uses that can stimulate economic revitalization, in accordance with the Ambler Borough Redevelopment Plan.

B. Reestablish the rail corridor as a primary location for employment opportunities within the Borough.

C. Provide for expanded uses and flexible standards, recognizing the uniqueness of the corridor area.

D. Provide for additional review procedures at the initial stage of conceptual development to ensure the proposal meets the intent and purpose of the RO district and integrates the overall Redevelopment Plan.

E. Preserve the historical character of the structures in the rail corridor and their relationship to the rest of the Borough.

F. Encourage the use of the passenger rail line to minimize vehicular traffic within the corridor.

G. Ensure that pedestrian connections to the Borough Commercial District, public transportation, naturalized trails and open space areas are included in all development plans.

H. Ensure consistency and integration of site improvements, access and parking, landscape and lighting, complimentary land uses and architectural treatments to result in a redevelopment area meeting the intent of this District.

I. Encourage preservation and reuse of existing structures where they may have historical significance in the Borough's past as an industrial center for the region.

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2003, §2700)

§27-2702. Definitions.

The following words and terms, when used in this Part, shall have the following meanings, unless the context clearly indicates otherwise, and shall supercede any other definition within this Chapter in regards to this subject:

CHILD DAY CARE CENTER — a facility in which care is provided for seven or more children at any one time in a facility not located in a family residence.

COMMUNICATIONS DEVICE — a tower or satellite antenna facility, roof mounted, that includes, but is not limited to, radio and television communication, microwave communication, telephone communication and similar wireless communication devices. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities. The device must be associated with and supportive of a principal use contained within the building on which the device is located.

FACADE — the principal vertical surface of a building, which is set along a frontage line.

GROSS TRACT AREA — the total measurement of a land area prior to any deductions.

MULTI-USE FACILITY — a building or group of buildings, which houses more than one principal use that are owned and operated independently of each other or as an accessory use to a principal use.

PARKING GARAGE/STRUCTURE — a building designed and used for the storage of automotive vehicles operated as either a business enterprise with a service charge or fee, or in conjunction with a primary use for the parking of privately owned vehicles.

PUBLIC AMENITY — a feature that increases the attractiveness or value of a project, specifically central plazas, parkland, courtyards and public parking. The features should be designed so as to be complimentary to the physical and visual character of the Borough. Features should incorporate appropriate scale, design, materials and lighting.

RESTAURANT, WITH BUSINESS MEETING PLACE — an establishment that serves food and beverages primarily to persons seated within the building and which specializes in business meeting space, with centralized meeting table and group communications and audio/visual facilities to support business meeting functions. Additionally, the establishment may provide additional table dining facilities within the building. These establishments may also provide outdoor dining table facilities immediately adjacent to the building containing the proposed restaurant.

TRAFFIC IMPACT STUDY — an assessment of present and future traffic and conditions in accordance with §22-310, Traffic Impact Study, of the Ambler Borough Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2003, §2701)

§27-2703. Use Regulations.

Where the Redevelopment Overlay zone has been imposed, the land use regulations and development standards of the underlying zones shall remain in full force. Additionally, the Redevelopment Overly District provides for the following additional uses, which are permitted either by right or by conditional use in the specified underlying zones:

A. Parking Garage/Structure. Permitted by right in all of the underlying zones within the Redevelopment Overlay District. Multi-level parking garage may be constructed as a principal use or in combination with other permitted uses on any lot of a size and configuration, which shall meet the standards in this Section.

(1) Dimensional Regulations.

(a) Height Maximum four garage levels above ground. Below ground levels may be approved with adequate safety and security provisions.

(b) Parking Spaces. Nine feet by 18 feet.

(c) Drives. One-way – 20 feet; two-way – 22 feet.

(d) Setbacks. Joint use with other permitted uses in separate structure, 10 feet.

1) Principal Use. Property lines – 10 feet.

2) Principal Use. Street right-of-way – 15 feet.

(2) Development Standards.

(a) Multi-level parking garages may be developed as a shared parking and/or multi-use facility with documentation of shared use agreement. Such structures are permitted attached to another structure containing one or more allowed principal uses when said uses utilize the parking garage to meet the parking requirements of the use(s).

(b) Multi-level parking garages may be permitted in combination with other permitted uses located on the second level or higher floors or garage levels.

(c) Parking garages that front on either Main Street or Butler Avenue shall be required to have commercial and/or office uses on the ground floor and entrances shall be located on the front facade.

(d) Garages shall include adequate lighting on all levels, but shall limit light spill to adjacent properties and uses. Protection and shielding of adjacent residential uses shall be a priority.

(e) Garage structures shall be landscaped, including buffers, as required for all uses in the RO District. Emphasis shall be placed on larger evergreen and deciduous trees to soften and buffer the upper levels of multi-level garage structures.

B. Child Day Care Center. Permitted by conditional use in the underlying OC Office Campus District.

(1) Dimensional Regulations. The dimensional standards of Part 16 apply, except if otherwise noted in this Section or herein.

(a) Location. Child day care centers shall only be located within a multi-use building complex. The center does not have to be operated as an accessory use but may be operated independently of any other use in the building as a principal use.

(2) Conditional Use Standards.

(a) General Standards. The provisions of this Section pertain to day care service for children by care givers in child day care centers, subject to Pennsylvania Code, Title 55, Public Welfare Chapter 3270, Child Day Care Centers (9/16/2000). Day care service for children shall include out-of-home child day care service for part of a 24 hours day for children under 16 years of age by care givers, excluding care given by relatives.

1) Registration and Licensing. Child Day Care Centers as defined in this Section, must hold an approved and currently valid Department of Public Welfare (DPW) license. In addition, all child day care centers must comply with all current DPW regulations, including those standards governing adequate indoor space, accessible outdoor play space and any applicable State or local building and fire safety codes.

2) Inspection. The operator of a child day care center will allow appropriate representatives of the Borough to enter the property at reasonable times to inspect such use for compliance with the requirements of this Section and all other applicable Borough and State ordinances.

3) General Safety. Operators of child day care centers shall comply with the provisions of the Pennsylvania Code, Title 55, Public Welfare, Chapter 3270, Child Day Care Centers as it pertains to the health and safety of the children attending the center.

4) Hours of Outside Play. Outside play shall be limited to the hours between 8:00 a.m. and sunset, as defined by the National Weather Service.

5) Outdoor Play Area. An outdoor play area, are required by DPW regulations, shall be provided for any proposed child day care center.

   i) Onsite Outdoor Play Area. An onsite outdoor structured play area or areas of high outdoor activity shall be located in yard areas that provide adequate separation, safety and protection from adjoining uses properties and roadways. Whenever possible, the onsite outdoor play area shall not be located adjacent to a public street or private drive or accessway. The outdoor play area should be located immediately adjacent to the child day care center.

   ii) Offsite Outdoor Play Area. In accordance with DPW standards, a child day care center may utilize offsite play areas in lieu of or as a supplement to an onsite play area. These standards permit the use of offsite play area, which are located within 1/2 mile distance of the facility, measured from the property line of the facility. When the use of an offsite play area is proposed, the applicant shall inform the Borough about the means of transportation that will be used to access the offsite play area. For reasons of safety, when children will be walked to an offsite play area, the route to the offsite play area shall not involve the crossing of arterial or major collector streets. Pedestrian access on sidewalks or improved walkways shall be required.

6) Traffic Impact Study. For any proposed child day care center, a traffic impact study will be required in accordance with §27-2705(C).

(b) Development Standards. The following standards shall apply to all proposed day care centers:

1) Onsite Parking for Employees and Clients. A minimum of one onsite parking space for every five children shall be provided, plus an additional one space per employee.

2) Drop-Off Area Location and Design. Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the onsite parking area or the required drop-off spaces may be designed as a part of the driveway providing direct access to the day care facility. No parking is permitted in the drop-off area and the drop-off areas shall not interfere with other traffic patterns. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be located within a vehicle turn-out area 12 feet in width exclusive of the driveway through traffic land(s). The drop-off area shall be covered, the covering of which shall not be subject to setbacks.

3) Landscaping. Landscaping shall be provided in compliance with applicable Sections of the Borough's landscape planting requirements in order to create a vegetative buffer from adjacent uses, as well as to create an aesthetically pleasing environment.

i) Buffer standards for lots on which a proposed day care center is located:

a) Vegetative Buffers. A vegetative screen buffer may be required when deemed necessary by the Borough Council to meet the intent and goals of this Part. Criteria to be considered will include, but not be limited to, the nature and type of adjacent uses, lot size of the subject property, as well as the adjacent properties and the distance to adjacent buildings. The following standards shall apply to buffers when required by the Borough:

b) Buffers shall contain combinations of evergreen and deciduous vegetation. The planted buffer shall be a minimum of six feet in width and six feet in height at the time of installation. Earthen berms may be provided in combination with vegetative material. Earthen berms shall not exceed four feet in height nor exceed a maximum slope of 3:1.

c) Continued maintenance of vegetative buffers is required and shall be the responsibility of the operator of the facility.

d) Opaque fences or walls used to meet the following requirement for fencing of outdoor play areas may be used in place of part of the required vegetative buffer material at the approval of the Borough Council.

ii) Landscaping in Outdoor Activity Areas. Existing or proposed planting material shall be suitable in and around areas used by children. No thorny, poisonous or other hazardous plants shall be allowed in areas used by children. In open areas, emphasis shall be given to providing shade to selected sections of the outdoor activity areas.

4) Fencing of Outdoor Play Area. In order to physically contain the activity of children in the outside play area, a minimum of four feet high fence shall be erected along the perimeter of the outside play area. When applicable, the fence may be located along property lines, but will not be exclusive of the required vegetative buffers. Natural barriers such as hedgerows, dense vegetation, etc., may be substituted for fencing if it can be demonstrated that such barriers can effectively contain the activity of the children.

5) Play Equipment Setback. Play equipment in designated onsite play areas shall be located at least 10 feet from an abutting property line.

6) Entrance/Exit Accessibility. When located in a multi-use building complex, day care center entrances/exists shall provide direct access to the child day care center. Waking through other significant portions of the building is not permitted.

7) Soundproofing. When co-located in any building employing noisy operations, the Borough Council may require sound-proofing of the child day care center to protect the children.

C. Restaurant With Business Meeting Space. Permitted by conditional use in the underlying OC Office Campus District and RSC Retail and Service Commercial District.

(1) Dimensional Requirements. The dimensional standards of Part 16 apply, except if otherwise stated.

(2) Conditional Use Standards.

(a) For the consumption of food and beverages without drive-in service. Service shall be limited to table and/or sit-down counter facilities only.

(b) Restaurants may be developed as stand-alone uses or as part of a multi-use building.

(c) Restaurants shall have space, exclusive of any main dining areas, which can be used for the sole purpose of business meeting space. The space shall have a minimum capacity of 10 people and a maximum capacity of 30 people.

(d) The use shall have direct access onto a driveway or public street.

(e) Additional buffers:

1) Front Yard:

i) Minimum width, 15 feet.

ii) Minimum landscape details:

a) For each 30 feet of frontage on a public right-of-way, one 3 1/2 inch caliper deciduous tree shall be planted.

b) Parking areas shall be screened from the street by a four foot high evergreen hedge.

2) Side and rear yard:

i) Minimum width, 15 feet.

ii) Minimum Landscape Details. An evergreen planting screen shall be used to provide an adequate visual barrier. The plant material used shall be a minimum height of four feet at the time of planting and shall be planted in a staggered arrangement in order to provide an immediate effect.

(f) Outdoor Seating. A restaurant may provide outdoor seating, provided pedestrian circulation and building access is not impaired and the following standards are met:

1) Removable enclosures, such as planters, shall be used to define the area.

2) The outdoor area must be physically separated from public or parking areas by a railing, fence, deck, planting boxes or a combination thereof.

3) The outdoor area must not infringe on any public sidewalk, parking area or right-of-way.

4) The outdoor area cannot infringe or encroach on the minimum number of required parking spaces or further reduce available parking.

5) Tables, chairs and related furniture must be removable and indoor storage provided for extended periods of non-use (e.g., winter months).

6) Extended awnings, canopies or umbrellas may be used to provide cover and shade.

7) Additional trash receptacle shall be provided and maintained.

8) No additional signage beyond what is allowed for the use is permitted.

(g) Service. Areas for loading and unloading of delivery trucks and other vehicles and for the servicing of refuse collection, fuel and other services shall be provided and shall be adequate in size. A schedule for periodic disposal of solid waste material shall be required. All solid waste material shall be stored in covered containers. No solid waste shall be stored closer than within five feet of any property line. Provided, however, that no solid waste storage is to be closer than 30 feet to any outdoor principal use. Loading and refuse collection areas shall be shielded from the direct view of any adjacent property by walls, plantings or a

combination thereof which measure a minimum of six feet in height. Such shielding shall be maintained at all times.

D. Communication Device. Permitted by conditional use in the underlying OC Office Campus District, C Commercial District, I Industrial District, and RSC Retail and Service Commercial District.

(1) Dimensional Regulations. The height of communications devices shall not exceed 10 feet in height above the actual building height of the building on which the communication devices are proposed. These devices must be screened from public view.

(2) Conditional Use Regulations.

(a) Communication devices shall be limited to those associated with and supportive of a principal permitted use contained within the building. It shall be located with other rooftop utilities as specified in §2703 P.5.

(b) Any applicant proposing communications devices to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the communications devices location.

(c) Any applicant proposing communications devices to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the communications devices are to be mounted on the structure.

(d) Communications devices shall comply with all applicable standards established by the Federal Communications Commission (FCC).

(e) Communications devices shall not cause radio frequency interference with other communications facilities located in the Borough or other radio-dependent devices.

(f) The owner or operator of communications devices shall be licensed, if applicable, by the Federal Communications Commission (FCC) to operate these communications devices.

E. TOD Transit-Oriented Development.

(1) Intent. The intent of the Borough in permitting development pursuant to this section is as follows:

(a) To provide for an intensity and type of land use that is compatible with and supportive of the use of public transportation;

(b) To recognize that, by having land use patterns that encourage use of public transit opportunities, traffic in the community can be reduced and travel choices for residents can be expanded;

(c) To encourage redevelopment of obsolete properties whose prior or present uses adversely impair the property or surrounding properties;

(d) To provide for flexibility in lot sizes, setbacks, and other area and bulk requirements so that imaginative and innovative designs can be developed;

(e) To ensure that mixed-use development is consistent in character in its residential and nonresidential components;

(f) To encourage the provision of a pedestrian environment and to promote a pedestrian orientation of buildings and streets; and

(g) To encourage development that has open and recreational spaces as focal points.

(2) Definitions:

TRANSIT-ORIENTED DEVELOPMENT (TOD) — a TOD is intensified development surrounding a rail or mass transit station that is compact, mixed-use, and pedestrian-friendly, and which is intended to encourage transit ridership. Residential uses in TOD can be of moderate to high density, and may be developed in the form of either new construction or redevelopment.

(3) Use Regulations. TOD development shall be permitted within the RO-Redevelopment Overlay District when authorized as a conditional use by Borough Council. In passing upon a conditional use application, Borough Council shall render a decision in accordance with the general conditional use criteria set forth in Part 4 of this Chapter, in addition to the specific criteria set forth in this Part. In accordance with §603(c)(2) of the Pennsylvania Municipalities Planning Code, the Borough may attach reasonable conditions and safeguards, in addition to those expressly set forth in the Borough ordinances, as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Borough ordinances. The following uses are permitted within a TOD development:

(a) Single-family attached dwellings.

(b) Multifamily residential.

(c) Mixed-use buildings, provided any nonresidential use shall be located only on the first floor of such buildings and further provided, that all uses within such buildings are individually permitted elsewhere in this section.

(d) Parking facilities, including structured parking.

(e) Playgrounds, parks, tot lots, exercise facilities and related amenities to serve the residents of the TOD development.

(f) Transportation-related facilities.

(g) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.

(4) Conditional Use Standards. The following conditional use standards are in addition to the general conditional use criteria set forth in Part 4 of this Chapter:

(a) General:

1) A tract proposed for TOD development must be zoned "OC"; and must be located within 500 feet of an existing or proposed commuter rail station (and/or support parking lot for such station); and must have a minimum of 1,250 feet of frontage on an active, passenger rail line. The five-hundred-foot requirement (for proximity to a commuter rail station) shall be measured from the nearest property line of the TOD to the nearest property line of the commuter rail station or support parking lot property.

a] Transportation oriented development shall be permitted in the Industrial Zoning District for parcels fronting on both an active passenger rail line and a public street.

b] The frontage requirements on an active passenger rail line shall be reduced from 1,250 feet down to 750 feet if the tract proposed for a transportation oriented development has frontage on a public street of at least 750 feet.

2) Minimum Lot Area: eight acres. The minimum lot area requirement shall be reduced to four acres if the tract proposed for the transportation oriented development has at least 750 feet of frontage on a public street.

3) Maximum Lot Area: In order to prevent a disproportionate amount of the acreage in the redevelopment overlay district from being used for residential development, the maximum lot area which can be utilized for a proposed TOD Development shall be 12 acres.

4) Minimum Lot width: 100 feet

5) Water and sewer. All TOD developments shall be serviced by public water and public sewer.

6) The lot to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of each lot under consideration.

7) A TOD development shall be designed to be compatible in use with the existing Borough development; and in its residential and nonresidential components in terms of architecture, building materials, massing and scale.

8) Transportation oriented development applications shall be considered with recognition for the need to have a mix of uses in the vicinity of the rail station and Borough Council may decline such an application if, after proper consideration of the proposal, it is determined that such use, when considered cumulatively with other uses in the area of the rail station, would cause a particular use to be disproportionately represented in the train station area.

(b) Density, mix and bulk requirements.

1) The maximum residential density for a TOD development shall not be more than 35 dwelling units per gross tract acre.

2) Building and Impervious coverage:

Maximum Building coverage: 50%

Maximum Impervious coverage: 80%

3) Building setback requirements:

Front Yard: 8 feet

Side Yard: 20 feet

Rear Yard: 20 feet

(Side and rear yards adjacent to a railroad right-of-way may be reduced by 50%)

Building Height:

Maximum building height: 65 feet

4) The maximum length of any building used exclusively for multifamily residential use (excluding mixed-use buildings), shall be 250 feet.

5) Building spacing:

Corner to corner: 30 feet

Face to face: 40 feet

Between the rear of single-family attached dwellings 25 feet

(Corner to corner spacing shall be deemed controlling unless the angle of any face of one building to the angle of any face of any immediately adjoining building shall be less than 20°.)

6) Building orientation and entrance. Front facades of buildings shall be oriented toward an internal or external street or driveway.

7) Walls and windows.

a] Blank walls shall not be permitted.

(c) Architectural Elements. All buildings shall include a variety of architectural design elements to avoid creating monotonous building facades. These architectural features may include, but are not limited to, a combination of any four of the following:

1) Masonry (but not flat concrete block);

2) Concrete or Masonry plinth at the base of walls;

3) Belt courses of a different texture or color;

4) Projecting or decorative cornices;

5) Quoins;

6) Decorative tile work;

7) Trellis containing planting;

8) Medallions;

9) Opaque or translucent glass;

10) Bay windows;

11) Artwork;

12) Vertical articulation;

13) Stylized lighting fixtures;

14) Porticos;

15) Building extensions; and

16) Other architectural elements

(d) Pedestrian and transit-oriented design elements.

1) Sidewalks or other walkways acceptable to the governing body shall be provided along all internal streets and driveways.

2) Convenient pedestrian connections shall be provided from all residential, nonresidential and mixed use building entrances to parking areas, open space and recreational areas, and to the transit station intended to be served by the TOD.

3) Sidewalks or walkways shall connect to existing sidewalks on abutting tracts.

4) All sidewalks and walkways within 300 feet of the transit station building shall be a minimum of five feet in width.

5) Site amenities such as bicycle racks, benches, and trash receptacles shall be provided in appropriate locations, such as near residential buildings, mixed use buildings, and pedestrian walkways.

(e) Parking. Required parking and loading shall be in accordance with Article XXI, including the use of common and/or off-site parking facilities.

1) Parking for residential units shall be provided at a rate of 1.5 spaces per unit over the entire residential portion of the TOD. The total number of parking spaces required by this Section may be reduced by 25% (rounded upward to an additional space) when the parking serves a nonresidential building which has a door to be used as a general means of ingress and egress for occupants (as opposed to a service or emergency only door) within one-quarter of a mile of any portion of a railroad station platform used by the public for rail service.

2) Parking areas shall be interconnected and cross easements provided to ensure shared use is provided where appropriate.

3) Off-street parking and garages should be designed such that vehicular access to such parking or garages does not unnecessarily obstruct the primary internal driveway(s) or existing external streetscape. The main internal drive is the primary connecting access cartway that connects the internal driveways and parking lots to the external street system.

(f) Loading and trash disposal.

1) Dedicated areas for such purposes shall be provided for all uses.

2) Such areas shall be located to the side or rear of buildings, and shall be screened from view from public streets.

(g) Planting Buffer. All TOD developments shall provide a permanent landscaped planting area of at least 10 feet in depth (inclusive of curb, but not sidewalk, of up to one foot in width) along all property lines on or adjacent to a residential use, except property adjacent to a public right-of-way (when street trees and foundation landscaping is planted in the front yard along the right-of-way). The property line buffer shall be designed in accordance with the applicable requirements of the Subdivision and Land Development Ordinance [Chapter 22]. Where a residential land development abuts an industrial use or vice versa, one of the following buffers shall be established which shall be equivalent to the type of screens described in Chapter 22, Appendix B, §100.4.4F(2) or 100.4.4F(4). If §100.4.4F(2) (ever-

greens) is selected, the evergreens may be planted at a depth closer than 10 on center. If §100.4.4F(4) (fence with plantings) is selected, then (a) a combination of large shrubs or ornamental trees may be used, provided they are planted three feet on center; and (b) a wall or fence is acceptable, provided it is constructed of brick, stone, wood, masonry or similar appearing material (chain link or cinder block is not acceptable).

(h) Green space. A minimum of 20% of the gross tract area shall be set aside for open space and recreational activities for the use of the occupants of the TOD and shall be in accordance with the following standards:

1) The green space requirement shall be met on an overall tract basis.

2) A portion of the green space must contain:

a) Village green or Plaza. Each village green or plaza shall:

[1] Be at least 20,000 square feet in size;

[2] Have an average width of at least 100 feet; and

[3] Be surrounded by sidewalks; roads; or residential, commercial or mixed-use buildings with front facades facing the village green or plaza.

[4] Village greens and plazas may include amenities such as a fountain, pavilion, gazebo, stage, amphitheater, pool, landscaped trellis or extensive landscaping/garden area.

3) The green space and village green/plaza requirements for single-family attached dwellings shall be eliminated if (a) the transportation oriented development contains a minimum of 20% green area throughout the site, and (b) the rear yard area has been identified on the development plan for use by each dwelling unit. Rear yard area may be allocated to each unit either exclusively through fee simple ownership or in common through a condominium or planned community association, or some combination of the two. No impervious surfaces may be installed by a homeowner in the rear yard except for a patio and/or deck

extending no greater than 12 feet from the rear of the dwelling unit.

(i). Lighting.

1) Lighting shall be provided at intersections along all perimeter public streets, at regular intervals along interior streets and interior walkways and parking areas at spacing sufficient to provide illumination of not less than 1/2 foot candle at ground surface.

2) Lighting standards shall be traditional in design and consistent in style within both the residential and nonresidential areas of the TOD tract.

3) Residential and mixed-use lighting standards shall not exceed 14 feet in height.

4) All lighting shall be designed and installed to minimize spillover to adjoining properties through consideration of placement of the light standards and by the use of down lighting.

(j) For all residential uses, the applicable homeowner association or condominium association documents shall be submitted to and approved by the Borough Solicitor.

(k) Traffic Impact. A TOD development plan shall be designed so that access to the development and interior circulation protect new and existing streets from unnecessary congestion or hazard. A traffic impact report shall be prepared at the TOD developer's expense to demonstrate the impact of the proposal on the levels of service of intersections within 1,000 feet of the property. If required as a condition of approval by the Borough Council, the TOD developer shall be required to implement traffic and transportation improvements and/or satisfactorily demonstrate the source of funding for these improvements and coordinate the phasing of the proposed TOD development with those highway intersection improvements.

(5) Application for Approval.

(a) TOD development shall be available as a conditional use in the Development Overlay District only, and application shall be made for such approval in accordance with the provisions of this subsection.

(b) Such applications shall be accompanied by a conditional use plan showing the relationship among the various components of the development. The conditional use shall be prepared at a scale appropriate to the size of the property and in sufficient detail to demonstrate that the plan complies with the requirements of this chapter. The conditional use plan shall be conceptual in nature and shall not be required to meet the provisions of a preliminary subdivision or land development plan. The applicant shall have the option, however, of submitting preliminary subdivision or land development plans concurrent with the conditional use application. The conditional use plan shall include the following elements:

1) An existing features plan shall be submitted which shall indicate the tract size, out bounds of the tract, topography, wetlands, woodlands, floodplains, recorded easements and rights-of-way and any other significant physical or man-made feature existing on the tract.

2) A general land use plan, indicating the tract area and the general locations of the land uses included, shall be submitted. The total number and type of dwelling units and the amount of nonresidential square footage shall be provided. The residential density and the overall tract intensity (building and impervious coverage) shall be provided. The plan shall indicate the location of proposed uses within the development; the location and amount of common open space, along with any proposed recreational facilities, such as but not limited to pedestrian pathways, community greens, community centers, etc.

3) Conceptual architectural renderings, showing the general design, scale and materials of residential buildings within the TOD development.

4) A conceptual utility plan shall be included which shall indicate the proposed location of sanitary sewer and water lines, along with a narrative indicating the feasibility of such facilities. The plan shall also show the approximate areas needed for stormwater management.

5) As required under Subsection 27-2703E(4)(k) above, a traffic study shall be submitted which analyzes the likely impacts of the proposed development and makes traffic improvement recommendations in accordance with standard traffic engineering procedures.

(6) Decision on conditional use request. In allowing a conditional use, Borough Council may attach reasonable conditions and safeguards as may be deemed necessary to implement the purposes of this chapter and ensure the protection of adjacent uses and streets from adverse impacts that may be determined from credible testimony.

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2003, §2702; as amended by Ord. 990, 4/12/2005; by Ord. 1004, 1/16/2007; by Ord. 1008, 5/21/2007; and by Ord. 1014, 1/7/2008)

§27-2704. Development Bonus.

As provided for in §§27-2705(D), Access, 27-2705-(F), Off-Street Parking and Loading and 27-2705(L), Public Amenities, a development bonus will be granted, in accordance with the following:

A. Qualification for any one of the below provisions, an increase in the maximum building coverage of 5% and an increase in the maximum impervious coverage of 5%.

B. Qualification for more than one provision will also result in a reduction in the minimum required lot width of 15%.

C. The development bonus shall be a cumulative one-time bonus for each development proposal.

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2003, §2703)

§27-2705. General Regulations.

The following regulations apply to all development in the Redevelopment Overlay District:

A. Utilities. All buildings shall be served by a public sanitary sewage disposal system and public water supply or any available public utilities. All utility lines and services shall be placed underground.

B. Stormwater Facilities. Stormwater facilities and supporting calculations must be provided in accordance with the Ambler Borough Subdivision and Land Development Ordinance [Chapter 22]. Recognizing the intent of the Borough to encourage redevelopment and reuse and the need to protect the health, safety and welfare of property owners, employees and residents, the Borough may apply some flexibility in addressing stormwater and related issues. Developers are encouraged to utilize innovative stormwater control techniques such as porous pavements. Applicants and or landowners may challenge the official floodplain delineation in accordance with the proce-

dures required by the Federal Emergency Management Agency, Federal Insurance Administration.

C. Traffic Impact Study. A traffic impact study shall be completed for all development within the RO District. Where a study has been completed for previous projects in the RO District, a traffic impact analysis will be required as an update to the previous study. If changes in the use or intensity are proposed at any time during the development process, an updated study or analysis may be required. The study and/or analysis must be completed by a professional engineer in accordance with the Ambler Borough Traffic Impact Ordinance and include the following:

(1) Traffic impact on adjacent and nearby roads and intersections.

(2) Description of traffic characteristics of the proposed development.

(3) Traffic volumes for average daily traffic at peak hours (pre and post development).

(4) Source of trip generation rates used.

(5) Documentation of onsite and offsite improvements needed and proposed to mitigate impacts.

D. Access. Each development shall have physical access to a public street. Developers are encouraged to share access points and/or driveways, where this is proposed, the bonus provisions of §27-2704 may be used. However, to qualify for a bonus, the lots must share a primary access point and/or driveway. Additional secondary accessory points and driveways shall not be eligible for the bonus provisions.

E. Streets. Streets proposed for dedication within the development shall be interconnected with each other and with streets on abutting properties and approved by Borough Council.

F. Off-Street Parking and Loading.

(1) In addition to the off-street parking regulations of Part 21, the provisions of this Section shall apply in the RO District.

(2) Adequate provision for loading shall be provided, subject to the approval of Borough Council for each use in the RO District.

(3) A parking needs analysis study shall be provided by the applicant. It shall be based on the requirements of §§27-2102, 27-2103 and 27-2105 and be prepared by a professional engineer licensed in the State of Pennsylvania. The parking needs analysis must demonstrate to the satisfaction of Borough Council that the parking requirements for all

proposed uses are adequately met, considering provisions for reserve parking, shared and off peak uses, the needs of the proposed uses and programming for joint use facilities.

(a) Borough Council may require reevaluation of necessary parking capacity upon a change in status of use, ownership, number of employees and/or size of building or land area used at the time that such change occurs.

(4) Required parking and loading may include the use of common and/or off-site parking facilities. Where common or off-site parking is proposed, the bonus provisions of §27-2704 may be used.

(5) Common Parking and Off-Site Facilities. The parking spaces required in §27-2102 for nonresidential uses may be located elsewhere than on the same lot and shared when authorized as a conditional use, subject to the following conditions:

(a) The owner(s) of the establishment(s) shall submit with the application for conditional use a site plan showing parking location and, in the case of shared parking, of the proposed distribution of spaces among the users.

(b) In the case of shared parking, the Borough Council with a recommendation from the Planning Commission may, in its discretion, reduce the total required amount of parking space upon determination that greater efficiency is achieved through joint use of a common parking area, provided the ratio of total off-street parking space area to total sales floor area is not reduced by more than 25%.

(c) An application for shared common parking shall be submitted with the land development application and shall include information concerning any easement, lese or other agreement with applicable terms and conditions, which assures shared use and shall be recorded on the land development plan.

(d) Where common and off-site facilities are proposed, some portion of the common parking area shall be within 300 feet of a patron entrance used for one of the businesses involved in the proposal.

(e) The applicant shall demonstrate that pedestrian access to and from the common and/or off-site parking is direct, safe and with adequate illumination.

(6) Parking Standards. Shall meet the standards specific in Part 21 of this Chapter.

G. Ownership and Maintenance of Common Open Space and Facilities. Ownership and maintenance of common open space and other common facilities shall be provided for in accordance with the regulations of §27-402 of this Chapter. All open space shall be permanently deed restricted from future subdivision and development.

H. Solid Waste. All solid waste facilities shall be located no closer than five feet from any property line and a site element screen shall be provided in accordance with the landscape planting requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].

I. Signs. All signs shall meet the requirements of Part 20.

J. Lighting Facilities.

(1) All nonpublic sidewalk, walkway, parking and building lighting shall be of a style and design consistent with the revitalization and redevelopment lighting poles and fixtures utilizing a high-pressure sodium light source. Fixtures shall be sized and located to provide for the safety and convenience of both pedestrians and vehicles with a minimum foot candle value of 0.2. Fixtures shall be designed in style and height to limit light, glare and spillover to any adjacent residential use.

(2) Lighting for all existing public streets and new streets proposed for dedication shall be of a style, design, height and source-type in fixture and pole to be consistent throughout the RO District as approved by Borough Council.

K. Landscaping. Landscaping requirements in the RO District shall meet all provisions of the Borough's Subdivision and Land Development Ordinance [Chapter 22], except as modified or supplemented below:

(1) Shade trees meeting the specifications and spacing of the requirements listed in the Subdivision and Land Development Ordinance [Chapter 22] Appendix "B," §100.3, Street Trees, shall be provided along all streets and may be within the legal right-of-way.

(2) Except as noted herein, parking areas shall be separated from buildings, property lines (except where shared parking lots overlap a common property line), sidewalks and internal collector drives by a landscaped area at least 10 feet in width.

(3) All surface parking lots shall have a shade tree, with a caliper of 2 1/2 to three inches at the ends of each single row of cars with at least one tree for every 24 spaces.

(4) All buildings shall be landscaped with a combination of evergreen and deciduous trees and shrubs to be used as "foundation" planting, i.e., plantings to be installed in proximity to the facades.

(5) The above design criteria are intended to develop a standard whereby adequate and consistent landscaping is included throughout the development area. The criteria are not intended to strictly direct the location of this landscaping, but rather to be used by the Borough as a gauge in reviewing redevelopment proposals.

(6) A landscaping plan is required and shall be drawn at a scale of at least one inch equals 50 feet. It shall be totally coordinated with the overall site plan. It shall be prepared by a licensed Pennsylvania landscape architect and shall contain the following:

(a) A delineation of existing and proposed plant materials.

(b) A delineation of other landscape features, including planting beds to be used for herbaceous plants, spaces to be devoted to courtyards and sitting areas, areas to be devoted to open lawns and other site amenities of the proposed development, such as paving, site lighting, signs, kiosks, benches, street furniture, etc.

(c) A plant list wherein the botanical and common name of proposed plants are tabulated, along with the quantity, caliper, height and other characteristics.

(d) Details for the planting and staking of trees and the planting of shrubs and any other details, which depict other related installations such as wall, fences, trash receptacles, tree grates, etc.

(e) Information in the form of notes or specifications concerning the proposed design of the site development. Such information shall convey the proposals for paving, seeding, sodding, mulching and the like.

L. Public Amenities. To encourage the provision of public amenities such as parkland, central plazas or courtyards and public parking, the bonus provisions of §27-2704 may be used. To be eligible, the amenity must have a clear public purpose or benefit, as determined by the Borough.

M. Pedestrian Design Standards. Public and private pedestrian access and circulation shall be included in all development proposals. Pedestrian access links shall be provided for all uses as specified on the Redevelopment Area Plan for access to open space areas and principal destinations such as the Ambler Borough Main Street Corridor, the SEPTA train station and the Wissahickon Conservation Corridor. All pedestrian access walks, buildings, trails, sidewalks, etc., shall be designed with adequate width and construct-

ed with materials to accommodate type and volume of traffic anticipated for the purpose intended and shall include adequate lighting and landscaping.

(1) Sidewalks are required along all existing and proposed streets.

(2) Paved pedestrian walkways, sidewalks, trails or equivalent shall connect road frontage sidewalks to building entries, parking area and other significant destination areas (i.e., passenger rail station, major open space areas and/or historically or culturally important sites).

(3) Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops. Unpaved walking trails may be substituted for paved sidewalks in cases where the developer has proven that such trails would be more appropriate to the development's surroundings (i.e., along a watercourse, connection to an existing trail network, etc.).

(4) All pedestrian amenities shall be designed in accordance with the standards of the Americans With Disabilities Act.

(5) Public pedestrian access links, as noted in the Redevelopment Plan, shall be provided between all uses through pedestrian access easements with a minimum width of 15 feet. Walkways between office buildings, retail establishments and housing areas shall facilitate "walkability." Direct pedestrian connections to public transit stops, the Downtown Commercial District and adjacent properties shall be accommodated within the overall land use plan.

(6) Sidewalks and pedestrian access links shall be constructed of a hard, durable, all-weather surface. Alternative paving materials, such as high density concrete pavers, may be utilized but must be of a color and texture matching that existing elsewhere in the Borough's Main Street and/or development areas and must be approved by the Borough. Utilization of alternated paving materials will qualify for the development bonus defined in §27-2704.

N. Application and Review of Development Proposals.

(1) For all proposed developments in the RO District, a tentative conceptual sketch plan shall be submitted, as defined in §22-302 of the Ambler Borough Subdivision and Land Development Ordinance [Chapter 22] with the following information also to be shown:

(a) A conceptual site plan showing the location of all existing and proposed buildings, drives, roadways, proposed traffic patterns, parking lots and garages, pedestrian walkways and plazas and other constructed features on the lot, plus all designated open space and open space/recreational facilities, and all water,

floodway/floodplains and topographic features. Surrounding existing features may be indicated with aerial photographic information, which can be obtained from the Borough.

(b) Conceptual architectural plans for any proposed buildings or modifications to existing buildings shall be submitted in adequate detail to indicate building setback, footprint dimensions, building heights, building mass, entrances, loading/unloading areas and a schematic layout of building uses.

(c) Landscaping plan showing the general location of all landscaping areas and the mature height of all proposed vegetation, differentiating between trees and shrubs. The applicant shall also include a list of required landscaping as required by the applicable Borough ordinances.

(d) Schematic layout of utilities and stormwater facilities.

(e) Any other pertinent data or evidence that the Redevelopment Review Board may require.

(2) All tentative sketch plans, as described above, shall follow the procedure specified in §22-302 of the Subdivision and Land Development Ordinance [Chapter 22], with the following revisions:

(a) There shall be nine copies of each plan submitted.

(b) One copy of the plan shall be submitted to the Revitalization/ Redevelopment Review Board for review.

(c) Application for review of the tentative sketch plan shall be placed on the agenda of the Revitalization/Redevelopment Review Board.

(d) The Borough Planning Commission shall review the comments of the Revitalization/Redevelopment Review Board in subsequent action on the tentative sketch plan. In all cases, Borough Council shall have the final approval of all development in the RO District.

(3) All tentative sketch plans shall in their layout and design, show the following:

(a) An integrated and coordinated pedestrian circulation system linking the site with nearby uses and buildings, parks, transit facilities, other pedestrian traffic generators, the rest of the redevelopment area and the remainder of the Borough.

(b) All open spaces in the form of walkways, plazas, arcades, etc.

(c) Architectural design.

(4) The applicant may request a joint workshop meeting of the Borough Planning Commission and the Revitalization/Redevelopment Review Board to discuss the proposal at the conceptual sketch plan phase.

O. Revitalization/Redevelopment Review Board.

(1) A Revitalization/Redevelopment Review Board is hereby established for the purpose of reviewing the conceptual design, layout and other features of the proposed developments in keeping with the intent and purposes set forth in this Part and that of the Borough Redevelopment Area Plan.

(2) The purpose of the Revitalization/Redevelopment Review Board is to make a finding that the proposed development is in conformity with all the provisions of this Part and sound design practice.

(3) In reviewing any site conceptual development plan, the Revitalization/ Redevelopment Review Board must make sure the plan meets the following:

(a) The site development plan meets or exceeds all applicable provisions.

(b) The conceptual plan is in the best interest of the public health, safety and general welfare of Borough residents.

(c) General site considerations (including site layout, open space and topography, orientation and location of buildings, circulation and parking, setbacks, heights, walls, fencing and similar elements) and general architectural considerations (including the character, scale and quality of the design, the architectural relationship with the site and other buildings, screening of exterior appurtenances and similar elements) have been designed and incorporated to invite pedestrian circulation between this area and the remainder of the Borough.

P. Building Design Standards and Guidelines. The following architectural design criteria shall be complied with in all development in the RO District, and thus provide a basis for the encouragement of innovative and sound design and development practices and ensure consistency of improvements and architectural elements throughout the development area. The following criteria shall be met at preliminary and/or final plan submission.

(1) Preliminary architectural elevations shall be submitted with any conditional use application or land development application, whichever occurs first. A registered architect shall prepare such elevations. Such elevation shall illustrate the general design, character and materials for sides of buildings visible from public streets, the passenger rail line and open space lands available for public use.

(2) The details of the architectural designs may be modified after conditional use approval and/or preliminary land development approval, provided the overall designs and types of materials conform to the approved plans.

(3) The architectural designs of all buildings should provide a variety of rooflines and treatments, when viewed from public streets, the passenger rail line and open space land available for public use. Buildings shall not have the appearance of monolithic structures. Instead large buildings shall have the appearance of connected smaller buildings. Building walls shall not have unbroken single appearance for more than 35 feet on the average in horizontal length. Instead, variations in materials, colors, textures, overhangs, setbacks of at least 20 feet, display windows and/or entrance ways shall be used to provide visual interest.

(4) The architectural design of a building's vertical height shall be broken with variations in materials, colors, textures, setbacks, fenestration and architectural detailing. The sides of buildings visible from public streets, the passenger rail line and open space lands available for public use shall not have dissonant architectural theme. All buildings within a single project shall have a unified or complimentary architectural character.

(5) Rooftop heating, ventilation, air conditioning equipment and communication devices shall be screened from view from adjacent buildings, public streets, the passenger rail line and open space lands available for public use, in a manner that is consistent with the architectural design.

(6) Applicants are encouraged to use color schemes that contribute to the overall character of the Borough. However, companies will not be required to abandon their legally protected trademarks, logos, color schemes and trim colors provided they are appropriately integrated into an aesthetically pleasing overall design.

(7) A coordinated design scheme shall be presented that will promote attractive sign designs among tenants. A detailed design shall be presented for freestanding signs for the development during the subdivision/land development process.

(8) Loading and unloading docks, dumpsters and exterior compactors shall be located, designed and screened in a manner that minimizes their visibility from adjacent public streets, the passenger rail line and open space lands available for public use and dwellings. No outdoor storage is allowed in the RO District.

(9) Applicants are encouraged to preserve historical elements, which are present on or within existing buildings. It is recommended that these elements be preserved and incorporated into the building redesign and renovations.

Q. Demolition of Existing Structures. Demolition of existing structures shall require a demolition permit from the Borough. Proposed demolition of existing structures in the RO District must be included in all conceptual sketch plan submittals.

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2002, §2704; and by Ord. 991, 8/15/2005)

PART 28

DC DOWNTOWN COMMERCIAL DISTRICT

§27-2801. Statement of Intent.

It is the intent of this District to:

A. Provide for the orderly development of a major business and commerce area of the Borough, consistent with the Comprehensive Plan.

B. Allow for residential uses that are compatible with the "Main Street" character.

C. Encourage a uniformity of design to ensure the orderly arrangement of land uses and buildings.

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2800)

§27-2802. Use Regulations.

1. Permitted Uses.

A. Retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, plants, furnishings or other household supplies, sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.

B. Business or professional office or studio, bank or other financial institution, municipal use excluding dump, telephone central office, telegraph or other public utility office, passenger station for public transportation

C. Office buildings.

D. Restaurant, bar, tearoom, retail baker, confectionery or ice cream shops or places serving food or beverages.

E. Personal service shop, including tailor, barber, beauty salon, shoe repair, dressmaking or other similar service.

F. Indoor theater or bowling alley.

G. Newspaper publishing, job printing.

H. Hotel or motel.

I. parking lot, in accordance with §27-2804.

J. Accessory use as customarily incidental to the permitted use by special exception.

2. Special Exception Uses.

A. Laundry or drycleaning establishment.

B. Other places of indoor amusement or recreation.

C. Outdoor storage facilities.

D. Residences, in accordance with the following:

(1) No basement or first floor dwelling units shall be permitted in combination with a commercial use.

(2) Each unit shall have a minimum of 600 square feet of floor area, plus 100 square feet additional for each bedroom.

(3) The lot area per family shall be 2,000 square feet for each unit. This shall be deemed to include the entire area within the lot, including buildings and structures committed to commercial use.

(4) Two off-street parking spaces shall be provided for each unit, exclusive of interior driveways and driveways connecting the garage or parking space with the street or alley.

(5) There shall be a minim rear yard of 15 feet.

(6) Each unit shall have two means of egress, both of which shall terminate in a public way or a court space leading to a public way.

E. Any use of the same general character as any of the uses specifically permitted in this Section without requirement of a special exception.

3. Conditional Uses. In accordance with the regulations of §§27-2805 and 27-413 (Conditional Uses), the following may be permitted as a conditional use:

A. Gasoline station with or without automobile servicing and/or mini-market.

B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.

C. Live or recorded entertainment, such as a performing arts facility.

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2801)

§27-2803. Dimensional Requirements.

1. Minimum Lot Area (permitted and special exception uses). One thousand five hundred square feet.

2. Maximum Building Area. Eighty percent.

3. Height Regulations. Forty feet, except that the Zoning Hearing Board may approve an increase to a maximum of 70 feet provided the Board determines that any building that exceeds 40 feet will not be detrimental to the light, air, privacy or architectural scheme of any other structure or use currently existing or anticipated and that for every foot of height in excess of 40 feet an additional one foot shall be added to each yard setback.

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2802)

§27-2804. Parking Requirements.

All parking facilities may be provided in accordance with the general provisions of Part 21 of this Chapter. In addition, the following regulations shall apply to commercial uses:

A. Off-street parking facilities may be provided on the periphery of the commercial district.

B. Off-street parking facilities are subject to the following provisions:

(1) Off-street parking spaces may be grouped in facilities serving more than one lot or establishment.

(2) Parking garages may be above or below ground. Above ground garages shall be in the rear yard and architecturally compatible with other improvements developed on the site and immediate area.

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2803)

§27-2805. Conditional Use Standards.

The following requirements shall be met for the applicable use permitted by §27-2802(3):

A. Gasoline stations with or without automobile servicing and/or mini-market.

(1) Minimum Lot Area. One-half acre.

(2) All servicing and parts storage shall take place in an enclosed building.

(3) All required parking shall be provided on the premises.

(4) No unregistered or unlicensed vehicles are permitted on the premises.

(5) No vehicle sales or rentals are permitted.

(6) Vehicles awaiting repair shall not be stored outdoors for more than one week.

B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.

(1) Minimum Lot Area. Ten thousand square feet.

(2) The requirements of §§27-1504 (Development Regulations) and 27-1505 (Performance Standards) shall be met.

(3) All assembly/repair work shall take place within an enclosed building.

(4) No outdoor storage is permitted.

C. Live or Recorded Entertainment.

(1) Shall not be less than 500 feet from another live or recorded musical entertainment use.

(2) All activities shall take place indoors.

(3) Hours of Operation. 9:00 a.m. – 2:00 a.m.

(4) A maximum of four coin-operated entertainment devices or machines are permitted (such as a video game or pinball machine).

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2804)

§ 27-2806. Limitations on Lots Abutting Residential Districts.

1. For purposes of this Section, a lot abuts a residential zoning district when any portion of the lot boundary is shared with any portion of a lot that is zoned residential. A lot that is across the street from a residential lot does not abut the residential lot.

2. With the exception of tearooms, retail bakers, confectionery retailers, and ice cream shops, and notwithstanding any language in this Chapter to the contrary, no bar, restaurant, or other establishment selling food or beverages shall be permitted on any lot in the Downtown Commercial District that abuts the R-1 Residential District.

3. Where a lot in the Downtown Commercial District abuts a residential zoning district, the customer entrance for any permitted use shall open facing away from the residential district, and any customer entrance or the closest portion of any outdoor dining area must be at least 40 feet from the residential zoning district.

(Ord. 1015-1, 1/22/2008)

PART 28A

DC-2 DOWNTOWN COMMERCIAL-2

§27-28A01. Permitted Uses.

Uses may be one or more of the following:

A. Retail establishments for the sale of baked goods, variety and general merchandise, greeting cards, clothing, food, beverages, drugs, plants and flowers, furnishings or other household supplies, hardware, sale and repair of jewelry, watches, clocks, optical goods, antiques, or musical, professional or scientific instruments.

B. Business or professional office or studio; bank or other financial institution, or municipal use, excluding dump.

C. Restaurant, coffee shop, bar, cafe, tearoom, retail baker, confectionary or ice cream shops (including walk-up windows) or places serving food or beverages.

D. Accessory use as customarily incidental to the permitted use by special exception.

E. Outdoor dining.

F. Pedestrian takeout window.

G. Gas stations, mini-marts, or a combination of the two when the mini-mart is housed within the gas station. Gas stations and mini-marts shall meet the following standards:

(1) All activities except those to be performed at the fuel or air pumps are performed within a completely enclosed building. Outdoor storage is not permitted.

(2) Minimum setback of pump islands is 50 feet from street ultimate rights-of-way, 80 feet from residential property lines, and 30 feet from all other property lines.

(3) Minimum setback of parking (any portion) from fuel pumps is 30 feet.

(4) The fuel pump area does not interfere with parking spaces or internal circulation. In development with multiple uses, the fuel pump area shall be separated from the parking and internal circulation of other uses.

(5) Body repairs and/or painting shall not be permitted, unless all parts, all such activities and materials used in conducting such activities take place entirely within a building. No temporary storage of vehicles being repaired or painted is allowed on the abutting roadway or within the street ultimate right-of-way line.

(6) Canopies meet the following requirements:

(a) Canopies shall be set back at least 15 feet from property lines and ultimate rights-of-way and 50 feet from abutting residentially zoned properties.

(b) Canopies shall have a maximum height of 16 feet measured to the underside of the canopy. For slanted canopies, this sixteen-foot maximum can be measured at the portion of the canopy closest to the street.

(c) Individual canopies shall have a maximum area of 3,600 square feet; multiple canopies shall be separated by a minimum distance of 15 feet.

(d) Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy, using a full cutoff flat lens luminaire.

(e) Canopies shall be designed to be architecturally compatible with structures in the surrounding area with regard to color and building materials. Colors shall be compatible with buildings in the neighborhood, and pitched roofs shall be used wherever possible.

H. Drive-throughs, provided the principal building on the lot is located between the drive-through and the street corner. At the discretion of Borough Council, the building may lie between the drive-through and only one of the arterial roads.

I. Business services establishments, including copy centers, retail printing and duplication services, computer rental and copying centers, mailbox rental and shipping, cartage, express, and parcel delivery services.

J. Day-care center.

(Ord. 1018, 7/21/2008)

§27-28A02. Dimensional Regulations and Impervious Coverage.

1. Minimum lot size: 10,000 square feet.

2. Minimum lot width: 100 feet.

3 Minimum side or rear yard: five feet. Buildings shall be at least 10 feet apart.

4. Minimum building setback from abutting residentially zoned properties: 15 feet.

5. Maximum impervious coverage: 100%.

6. Building height, minimum. Buildings shall be a minimum of two stories (the building may have a faux second story). However, any faux second story shall have clear windows and appear to contain usable floor space. The design of the faux second story shall be compatible with the first story and traditional buildings in Ambler, as determined by Borough Council, after examining elevations submitted by the applicant. Criteria for making such a determination includes architectural style, building material and ornamentation.

(Ord. 1018, 7/21/2008)

§27-28A03. Design Elements.

1. Building Entrances.

   A. All main building entrances shall face one of the arterial roads. This entrance shall be usable and well-defined through the use of architecture (e.g., utilizing porticos, pediments, colonnades, canopies, or overhangs).

   B. The front door to the building shall be located as close to the corner as reasonably possible.

2. Elevations. Elevations of building facades must be provided with the preliminary plan at the latest, but applicants are encouraged to submit them as part of a tentative sketch plan.

3. Sidewalks. The sidewalk pattern shall continue across driveways. Sidewalks shall connect the front entrance of buildings to the street sidewalk and to off-street parking areas on the lot.

4. Parking, Driveways, and Landscaping.

   A. Screening. Parking lots visible from the street shall be continuously screened in accordance with the SALDO Table 1: Site Element Screens. However, where screening would block the intersection sight triangle, low, decorative shrubbery may be used rather than the standard buffers proscribed by the SALDO.[5]

[5] Editor's Note: See Chapter 22, Subdivision and Land Development.

B. Parking shall be set back at least 10 feet from the curb.

C. Driveways shall not exceed 24 feet when crossing sidewalks.

D. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. Borough Council may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

E. Properties are allowed a maximum of one driveway intersection per street.

5. Walls, Windows, and Roofs.

A. Walls. Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front facade, including materials, colors, and details. At least four of the following architectural treatments shall be provided:

(1) Masonry (but not flat concrete block).

(2) Concrete or masonry plinth at the base of the wall.

(3) Belt courses of a different texture or color.

(4) Projecting cornice.

(5) Projecting metal canopy.

(6) Decorative tile work.

(7) Trellis containing planting.

(8) Medallions.

(9) Opaque or translucent glass.

(10) Artwork.

(11) Vertical/horizontal articulation.

(12) Lighting fixtures.

(13) An architectural element not listed above, as approved by Borough Council, that meets the intent of this district.

B. Windows.

(1) The ground floor front facades of buildings visible from the pedestrian view shall consist of a minimum of 60% window area and a maximum of 75%, with views provided through these windows into the business. Ground floor windows shall be a maximum of 12 to 20 inches above the sidewalk.

(2) Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35% window area in the facade above the ground floor and a maximum of 75%.

(3) Smoked, reflective, or black glass in windows is prohibited.

C. Roofs. Roofs shall be in keeping with the character of adjacent buildings and/or shall have pitched roofs. Pitched roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12.

6. Loading areas shall be located as far as feasible from the street.

7. HVAC, Communication and Mechanical Equipment.

A. All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets, to the maximum extent possible.

B. All wall-mounted mechanical, electrical, communication, and service equipment shall be screened from public view by fences, walls, landscaping, or other approved means.

(Ord. 1018, 7/21/2008)

§27-28A04. Additional Regulations.

1. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties. In order to limit the adverse impact of a proposed gateway development use, Borough Council may require alternative site layouts, including increased parking setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.

2. Gateway Sign/Garden.

A. As part of a gateway development, and consistent with the goals of the Ambler Revitalization and Ambler Open Space Plans, Borough Council may require the applicant to establish a "gateway" welcoming traffic and pedestrians to Ambler. This gateway may consist of elements described in the Revitalization or Open Space Plans, and/or include:

(1) A stone, brick, or hardscaping monument sign displaying the name "Ambler Borough" on it.

(2) A planting area/garden surrounding the sign. This should be at least 150 square feet.

(3) The garden and sign shall be easily visible to traffic and pedestrians entering Ambler.

(4) Sixty percent of the garden shall be of materials such as trees, vines, shrubs, and seasonal flowers with year-round interest. All trees shall be at least 3.5 inches in caliper.

(5) Water features.

(6) Benches.

(7) Small patio area.

B. The design of any gateway sign/garden should be coordinated with Borough Council, on recommendation by the Planning Commission. Input from Ambler Main Street, the Shade Tree Committee, the Environmental Advisory Committee, and the Revitalization Committee should also be sought.

(Ord. 1018, 7/21/2008)

PART 29

RSC RETAIL AND SERVICE COMMERCIAL DISTRICT

§27-2901. Statement of Intent.

It is the intent of this Part to:

A. To provide primarily for retail commercial uses and other selected uses, which are commonly associated with those retail uses to support and stimulate the Rail Corridor Redevelopment and that require accessibility to main roadways.

B. T encourage redevelopment of existing brown-field sites into productive employment centers.

C. Reestablish South Ambler as a focal point for economic development.

D. Ensure the suitability of design to enhance the existing character of the Borough and the redevelopment area.

E. Provide for development that is compatible with and integrates any water feature in the overall design.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2003, §1000)

§27-2902. Definitions.

The following words and terms, when used in this Part, shall have the following meanings unless the context clearly indicates otherwise, and shall supersede any other definition within this Chapter in regards to this subject:

ATHLETIC TRAINING/EDUCATION FACILITY — a building housing sports fields, court or rinks for the primary purpose of training and/or education and which are operated on a fee or membership basis. The building may include, but in not limited to, basketball courts, tennis courts, soccer fields, hockey and skating rinks, etc. These facilities may include accessory uses, such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. No training/education is to be conducted outside of the building.

DEPARTMENT AND VARIETY STORES — establishments that sell a large variety of general goods, where no one merchandise line dominates. Products may include apparel, furniture, appliances and home furnishings, paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys and sporting goods. Merchandise lines may be arranged in separate departments.

HEALTH AND FITNESS CLUB — activities operated as a gainful business, open to the public for the purpose of personal training, sports conditioning and group fitness. Such facilities may include, but are not limited to, basketball, tennis, racquetball and squash courts, indoor swimming pool, indoor track, exercise studio and strength training equipment. These facilities may include accessory uses, such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. All facilities must be contained within the building.

HOTEL, MOTEL OR EXTENDED STAY HOME — a building containing 20 or more guest rooms or a group of such buildings specifically designed for the temporary lodging of transient guests in rooms rented on a daily basis. Such establishments may provide cooking facilities as well as room service for food and beverages and shall provide maid service and laundering of linens. Additionally, these establishments may contain a restaurant within the building, which may also contain meeting space.

SUPERMARKET OR GROCERY STORE — retail establishments (not including convenience stores) that sell a general line of food, such as canned and frozen foods, fresh fruits and vegetables, baked goods and fresh and prepared meats, fish and poultry. Additionally, these establishments may include a pharmacy and/or bank within the building.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2002, §1001)

§27-2903. Use Regulations.

1. Permitted Uses.

   A. Hotel, motel or extended stay hotels.

   B. Department and variety store.

   C. Supermarket or grocery store.

   D. Athletic training/education facility.

   E. Health and fitness club.

2. Special Exception Uses.

   A. Any use of the same genera character as any of the uses hereinbefore specifically permitted, provided they meet the intent of this district.

   B. Business or professional offices or general office buildings.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2003, §1002)

§27-2904. Dimensional Requirements.

1. Area of Tract. A minimum of one acre.

2. Impervious Surface Coverage. In no case shall buildings, parking areas, driveways, walkways or other impervious coverage occupy more than 80% of the lot area of any lot. The remaining portion of the lot, not to be less than 20% shall be landscaped.

3. Building Height. The height of any building or structure shall not exceed the height of 65 feet or seven stories, from finished grade to parapet, whichever is greater.

4. Setbacks. Side and rear yard setbacks shall not be required between similar uses. All buildings shall be setback 50 feet from any water feature. In no event shall a building be located less than 50 feet from a residential use or district existing at the time of the enactment of this Part, nor shall a building be less than 50 feet from any nonresidential use or district.

5. Building Orientation. Building facades, which incorporate utilities, trash enclosures, service areas, loading and unloading areas, driveways, parking areas and other similar features shall not be oriented toward any water feature.

6. Height Stepback. For every building whose height (measured from finished grade to parapet) exceeds 30 feet, there shall be an additional setback from any water feature measuring five horizontal feet for every additional 10 feet in height.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2003, §1003)

§27-2905. Development Regulations.

1. Ownership. The property to be developed shall be in one ownership or shall be the subject of an application filed jointly under single direction in accordance with an approved plan.

2. Utilities. All buildings shall be served by a public sanitary sewage disposal system and public water supply. All utility lines and services shall be placed underground.

3. Public Street. A public street shall be constructed, or the existing road shall be improved so as to provide an effective means of access from the lots to the existing public street system. Public streets shall be constructed in accordance with Part 4 of the Ambler Borough Subdivision and Land Development Ordinance [Chapter 22].

4. Sidewalks. Sidewalks are required along all existing and proposed streets in the RSC District.

5. Parking and Loading. Required parking and loading shall be in accordance with Part 21, including the use of common or offsite parking facilities.

6. Pedestrian Circulation. A convenient, safe and coordinated system of pedestrian access shall be provided through the extension of sidewalk or similar walkways. This system shall link buildings, parking areas, open space, public transportation and other nearby destination points.

7. Solid Waste. All solid waste facilities shall be located no closer than 10 feet from any property line and a site element screen provided in accordance with the Landscape Planting Requirement of the Borough Subdivision and Land Development Ordinance [Chapter 22].

8. Signs. All signs shall meet the applicable provisions of Part 20.

9. Lighting Facilities. Lighting facilities shall be provided where deemed necessary for the safety and convenience as required by the specific use. Lighting facilities shall be provided in accordance with §27-2705(J) of the Ambler Borough Redevelopment Overlay District.

10. Landscaping. Landscaping shall be provided in accordance with the requirements and standards of the Borough Subdivision and Land Development Ordinance [Chapter 22].

11. Planting Buffer. All development shall provide a permanent landscaped planting area of at least 10 feet in depth along all property lines. The property line buffer shall be designed in accordance with the applicable requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].

12. Building Design Standards and Guidelines. For all projects involving new construction or renovation of an existing building, the use of exterior architectural design features and details is encouraged; provided, they are applied consistently. However, any new building with a length exceeding 200 feet shall be designed to incorporate a front facade and/or roof variation. For the facade a minimum three foot (depth) offset shall be created for every 50 feet of continuous facade and extend from grade to the top of the facade. In the case of roof variation, the variation may involve the roof plane, ridgeline or both. The variation used shall be designed as an integral part of the roof, not an incidental feature such as utility pipe or vent. Where the ridgeline is affected, the vertical variation shall not be less than one foot.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2003, §1004)

PART 30

ZONING MAP AMENDMENTS

§27-3001. Zoning Map Amendments.

1. The Official Zoning Map of the Borough of Ambler is hereby amended to designate the parcel located at 245 Forest Avenue, being the same as Block No. 031, Unit NO. 056, Montgomery Tax Identification No. 01-00-01705-004, from its current designation of R-1 Residential District to the new designation of IN Institutional District.

2. Redefining the Boundaries for Certain Zoning Districts.

   A. I – Industrial District. This district includes all properties located along the west side of South Main Street from the intersection of Rosemary Avenue to Church; all properties fronting the east side of South Main Street from the intersection of Rosemary Avenue to Orange Avenue; all properties along the west side of North Main Street from the intersection of Tennis Avenue to Mt. Pleasant Avenue; all properties along the east side of North Main Street from the intersection of Tennis Avenue to Mt. Pleasant Avenue and includes the following parcels, identified by their Montgomery County Tax Parcel Number: 010002776004, 010002779001, 010002599001, 010002938004, 010002938009.

   B. RO – Redevelopment Overly District. The boundaries of this district are hereby established as follows:[6]

   C. DC – Downtown Commercial District. The boundaries for this district are as follows:

      (1) All properties located on the north side of Butler Avenue beginning at the northeast corner of Butler and Main Streets and continuing easterly to the point of the western property boundary of the property situate at the northwest corner of Butler Avenue and Hendricks Street, so that the property at the northwest corner of Butler Avenue and Hendricks Street is not included in the within map change, while the other properties on the north side of Butler Avenue between Race Street and Hendricks Street are included in the within map change. All properties located on the south side of Race Street between Butler Avenue and North Spring Garden Street; all properties located on the south side of Butler Avenue between Woodland Avenue and South Main Street; all properties along the east side of South Spring Garden Street from Butler Avenue to Rosemary Avenue; the properties on the north side of Race Street known as 209, 219, 233, and 245 Race Street.

[6] Editor's Note: The full description of said boundaries is on file at the Borough office

(2) All properties along the east side of North Main Street from Race Street to Forrest Avenue; all properties along the south side of Walnut Street from North Main Street to North Spring Garden Street.

(3) In addition to the above boundaries the following parcels are within the DC District: 01 00 02371 00 4, 01 00 02368 00 7, 01 00 02362 00 4, 01 00 02359 00 7, 01 00 03907 00 7, 01 00 03904 00 1, 01 00 03982 00 4, 01 00 05956 00 1, 01 00 04225 00 4, 01 00 04228 00 1, 01 00 04231 00 7, 01 00 00 931 00 4, 01 00 00934 00 1, 01 00 0937 00 7, 01 00 00940 00 4, 01 00 00943 00 1.

D. RSC – Retail and Service Commercial District. This district shall include the following parcels, identified by their Montgomery County Tax Parcel Number: 01 00 02938 40 9, 01 00 02938 00 4, 01 00 02939 00 3.

E. C – Commercial District. This district shall appear on the map as previously drawn, except that the parcels identified in Subsection C herein (Downtown Commercial) shall be removed from the Commercial District and zoned only as Downtown Commercial; properties fronting the north side of Butler Avenue from Main Street to the point at which Butler Avenue traverses the Wissahickon Creek shall be zoned C-Commercial; and further excepting that an area comprising 2,300 square feet on the western edge of the SEPTA inbound rail platform, as specifically described immediately below, shall henceforth be included in the C-Commercial district, and the map shall so reflect:

Beginning at a point of intersection of the southeast line of lands of Unit 12, Block 28 (now or formerly Amoco Oil Company), with the southwesterly right-of-way line of Southeastern Pennsylvania Transportation Authority (SEPTA); then along said right-of-way line south 20 degrees 18'30"E, a distance of 115 feet to a point; then along a new line through Unit 11, Block 28 Lands (now or formerly Montgomery County Industrial Development Authority), S 68 degrees 57' 20"W, a distance of 20 feet to a point; then still along a new line N 20 degrees 18'30"W, a distance of 115 feet to a point in the above mentioned line of Unit 12, Block 28; then along said property line N 68 degrees 57'20"E, a distance of 20 feet to the point and place of beginning.

F. R-1 Residential. The boundaries of this district shall be the same as previous but, in addition, certain parcels on the north side of Race Street, known as 141, 149, 157, 165, and 201 Race Street, shall be henceforth zoned R-1 Residential.

3. The Borough Zoning Map, as recognized and identified at §27-302, is hereby modified in the following respect: the parcel which is situate at the northwest corner of the intersection of Butler and Bethlehem Pikes and the parcel which is situate at

the southwest corner of the intersection of Butler and Bethlehem Pikes are both hereby zoned Downtown Commercial-2.

(Ord. 922, 9/17/1996, as amended by Ord. 963, 8/19/2002; by Ord. 977, 3/18/2003; by Ord. 991, 8/15/2005; by Ord. 1015-1, 1/22/2008; by Ord. 1024, 10/21/2008)

APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because they are of an historical or one-time nature only, the provisions of which were primarily completed directly after enactment. Because the enactments are mainly of an historical or administrative interest, it has not been considered necessary to include the entire text. Rather, the enactments are arranged in groups, according to subject matter, and, within each group, listed by title in chronological order. Annual budget and tax enactments have been listed only in the "Key to Disposition of Ordinances." Anyone desiring to read the full text of any of these enactments may do so by consulting the original records of the municipality.

The enactments included in this Appendix are grouped under the following headings:

A..... Annexation of Territory

B..... Bond Issues and Loans

C..... Franchises and Services

D ..... Governmental and Intergovernmental Affairs

E..... Plan Approval

F..... Public Property

G ..... Sewers

H ..... Streets and Sidewalks

I..... Water

J ..... Zoning; Prior Ordinances

APPENDIX A

ANNEXATION OF TERRITORY

Ord./Res.	Date	Description
308	4/12/1943	Annexing to the Borough of Ambler a section of the Township of Upper Dublin, Montgomery County, Pennsylvania, adjacent to and southeast of said Borough.

APPENDIX B

BOND ISSUES AND LOANS

Ord./Res.	Date	Description
41	10/1/1894	Untitled ordinance authorizing the holding of an election on the question of a bond issue of $20,000 for the purpose of making street improvements and building a sewer over Rose Valley Creek.
42	10/31/1894	Untitled ordinance giving notice of the election on the question of a bond issued of $20,000 for the purpose of making street improvements and building a sewer over Rose Valley Creek.
53	4/6/1897	Untitled ordinance authorizing the holding of an election on the question of a bond issue of $16,000 for improving streets and paying for a new fire engine.
59	6/14/1897	Providing for the issue of bonds to secure an increase of indebtedness and levying a tax therefor.
64		Untitled ordinance authorizing the holding of an election on the question of a bond issue of $18,000 for making street improvements.
73	6/4/1901	Untitled ordinance authorizing the holding of an election on the question of a bond issue of $20,000 for making street improvements.
91	4/8/1902	Notice of special election for the purpose of increasing the bonded indebtedness of the said Borough in the sum of $22,000 for improving streets and constructing sewers.
109	4/6/1904	Authorizing an increase of the bonded indebtedness of the Borough of Ambler for a total loan of $12,000 and the issue of securities therefor and providing for the levy and assessment of an annual tax to provide for the payment of the principal and interest of said bonds.
121	4/3/1906	Notice of special election for the purpose of obtaining the assessment of the electors to said proposed increase of indebtedness in the sum of $25,000 for street improvements.

Ord./Res.	Date	Description
130	6/12/1907	Notice of special election providing for an election for the purpose of increasing the indebtedness of the Borough of Ambler, Pennsylvania, in the amount of $35,000 for making permanent improvements on Race Street, Forest Avenue. Belmont Avenue. Tennis Avenue, Spring Garden Street, Mt. Pleasant Avenue. Hendricks Street. Maple Street. Reiffs Mill Road, Ridge Avenue, Rosemary Avenue, Mattison Avenue, Greenwood Avenue, Orange Avenue, Lindenwold Avenue. Butler Avenue, Park Avenue, North Street, Woodland Avenue and Water Street.
132	8/6/1907	Authorizing an increase of the bonded indebtedness of the Borough of Ambler in the sum of $35,000 and the issuing of securities therefore and providing for the levy and assessment of an annual tax to provide for the payment of a principal and interest of said bonds within a period not exceeding 30 years from the date thereof.
155	1/4/1916	Signifying the desire of the corporate authorities of the Borough of Ambler for an increase of the indebtedness thereof in the sum of $30,000 for the purpose of street improvement, opening new streets, removing waterways on streets, building pipe lines and making an appropriation toward the purchase of fire apparatus.
156	1/8/1916	Proving for a special public election for the purpose of obtaining the assent of the electors of the Borough of Ambler to an increase of the indebtedness thereof in the sum of $30,000 for the purpose of this bond issue.
157	3/8/1916	Authorizing an increase in the bonded indebtedness of the Borough of Ambler in the sum of $30,000 and the issuing of securities therefor and providing for the levy and assessment of an annual tax to provide for the payment of the principal and interest of said bonds within a period not exceeding 30 years from the date thereof for the purpose of this bond issue.
181	5/9/1923	Authorizing an increase in the bonded indebtedness of the Borough of Ambler in the sum of $40,000 and the issuing of securities therefor and providing for the levy and assessment of an annual tax for the payment of the principal and interest of said bonds within a period not exceeding 30 years from the date thereof for permanent street improvements.

Ord./Res.	Date	Description
183	3/3/1924	Signifying and expressing the desire and intention of the corporate authorities of the Borough of Ambler, County of Montgomery and Commonwealth of Pennsylvania, to make an increase in the sum of $60,000 of the indebtedness thereof for street improvements.
184	3/3/1924	Proving for a public election to be held in the Borough of Ambler, County of Montgomery and Commonwealth of Pennsylvania, for the purpose of obtaining the assent of the electors of said Borough for an increase in the sum of $60,000 to the indebtedness thereof.
185	5/13/1924	Authorizing an increase of the bonded indebtedness in the Borough of Ambler, in the sum of $60,000 and the issuing of securities therefor and providing for the levy and assessment of an annual tax for the payment of the principal and interest of said bonds within a period not exceeding 30 years for street improvements.
243	11/21/1933	Signifying and expressing the desire of the corporate authorities of the Borough of Ambler, County of Montgomery and State of Pennsylvania, to increase the indebtedness of said Borough by the amount of $265,000 for the purpose of paying a part of the cost of constructing a complete sewerage system, subject to the right of the Borough Council in its discretion to assess and collect benefits from abutting property owners for any part of the cost of such sewerage system and providing for the holding of an election therefor and authorizing and directing the corporate authorities to make the necessary announcements of said election and do all other acts and things incident thereto.
248	11/20/1934	To create and incur an increase of indebtedness of the Borough of Ambler, Montgomery County, Pennsylvania, in the sum of $75,000 for the purpose of providing funds to provide a portion of the cost of construction of a system of sanitary sewers, subject to the right of the Borough authorities, in their discretion, to assess and collect from the abutting property owners any part of the cost of such sewerage system and for the construction of a sewage treatment works for the Borough of Ambler, to approve the form of said bonds at maturity and the interest and State tax thereon meanwhile.

Ord./Res.	Date	Description
252	8/13/1935	Signifying and expressing the desire of the corporate authorities of the Borough of Ambler, County of Montgomery and State of Pennsylvania, to increase the indebtedness of said Borough by the amount of $165,000 for the purpose of paying a part of the cost of constructing a complete sewerage system, subject to the right of the Borough Council in its discretion to assess and collect benefits from abutting property owners for any part of the cost of such sewerage system and providing for the holding of an election therefor and authorizing and directing the corporate authorities to make the necessary announcements of said election and do all other acts and things incident thereto.
253	9/24/1935	To amend §2 of Ord. 252, by changing the time for the holding of an election in connection with the proposed increase of indebtedness of the Borough of Ambler in the amount of $165,000 and authorizing and directing the corporate authorities to make the necessary announcements of said election and to do all other acts and things incident thereto.
254	12/11/1935	Providing for the issuance of bonds and the increase of indebtedness of the Borough of Ambler, Montgomery County, Pennsylvania, for the sum of $165,000 for the purpose of paying a part of the cost of constructing a complete sewerage system, subject to the right of the Town Council in its discretion to assess and collect benefits from the abutting property owners for any part of the cost of such sewerage system, approving the form of bond and coupon, levying a tax for the payment of the principal of said bonds at maturity and the interest and State tax thereon meanwhile.
R.9/8/1937		Authorizing the advertisement for sale of $245,000 of waterworks bonds of the Borough of Ambler, Montgomery County, Pennsylvania, to bear interest at the rate of 2%, 2 1/4%, 2 1/2%, 2 3/4% or 3% per annum, adopting the form of advertisement and sale and providing the manner in which the same is to be published.
277	10/5/1937	To create and incur an increase of indebtedness of the Borough of Ambler, Montgomery County, Pennsylvania, in the sum of $245,000 for the purpose of providing funds for the purchase of the real estate, rights, privileges, personal property and franchises of the Ambler Spring Water Company, to approve the form on bond and coupon, to levy a tax for the payment of the principal of said bonds at maturity and the interest and State tax thereon meanwhile.

Ord./Res.	Date	Description
285	10/31/1938	To create and incur an increase of indebtedness of the Borough of Ambler, Montgomery County, Pennsylvania, in the sum of $25,000 for purpose of providing funds for and toward the purchase, erection and construction of a standpipe, pipe line, pump and dyke system of surface drainage and other improvements to the waterworks, to approve the form of bond and to levy a tax for the payment of the principal of said bonds at maturity and the interest and taxes covenanted to be paid thereon meanwhile.
364	6/14/1954	Authorizing and directing the issuance of general obligation bonds of the Borough of Ambler in the maximum amount of $70,000 for the purpose of providing funds for and toward the acquisition, improvement and equipment of land for use as a Borough parking lot.
433	3/10/1958	Signifying the desire of the Borough Council of the Borough of Ambler, Montgomery County, Pennsylvania, to make an increase of the debt of said Borough of Ambler in the sum of $335,000 for the purpose of providing funds for and toward additions and improvements to the water supply and sewage systems of the Borough and calling an election for the purpose of obtaining the assent of the electors to the said increase of debt.
444	2/9/1959	To authorize and direct the issuance of general obligation bonds of the Borough of Ambler, Montgomery County, Pennsylvania, in the maximum amount of $335,000 for the purpose of providing funds for and toward additions and improvements to the water supply and sewage systems of the Borough.
480	1/8/1962	To authorize and direct the issuance of general obligation bonds of the Borough of Ambler, Montgomery County, Pennsylvania, in the maximum amount of $55,000 for the purpose of providing funds for and toward street improvements, storm sewer construction, the purchase of equipment and the construction of a parking lot.
567	6/15/1970	Authorizing the issuance of $85,000 of Ambler Water Revenue Bonds Series of 1970 and $10,000 Borough of Ambler Water Reserve Bonds Series of 1970-B.

Ord./Res.	Date	Description
669	6/2/1977	Authorizing and directing the issuance of special obligation revenue bonds in the aggregate amount of $120,000 and of guaranteed water revenue bonds in the aggregate principal amount of $1,155,000 for the purpose of refunding of the Borough's water revenue bonds, series of 1970 and a 1970 improvement project involving the acquisition, construction and financing of certain capital and system improvements to the Borough's water system, providing for the execution of all required legal action pursuant to the issuance and payment of said bonds.
672	6/2/1977	Approving an engineers report filed for the purpose of qualifying $1,115,000 in guaranteed water revenue bonds for exclusion from applicable nonelectoral debt limits as self liquidation from water system revenues
697	10/9/1978	Authorizing the incurring of nonelectoral debt by the Borough of Ambler by the issuance of a general obligation not, series of 1978, in the amount of $270,000 for the purpose of providing to Borough's share of all required funds for the construction of certain additions to and alterations of the Borough's wastewater treatment plant.
698	11/9/1978	Authorizing the incurring of nonelectoral debt by the Borough by the issuance of a special obligation revenue note in the principal amount of $1,078,000 for the purpose of providing interim financing in anticipation of the receipt of Environmental Protection Agency grant funds for construction of additions to and alterations of the Borough's wastewater treatment plant.
830	-/-/1987	Authorizing the incurrence of $145,000 aggregate principal amount general obligation note, series of 1987, for the purpose of financing the Borough's portion of road improvements that are 75% funded by a grant from the Federal government.
856	6/12/1990	Authorizing the incurring of nonelectoral debt by the Borough of Ambler for the purpose of providing funds for a project consisting of the acquisition and renovation of a new Borough Hall and various capital improvements in the amount of $1,500,000.
900	6/28/1993	Authorizing and directing the incurring of nonelectoral debt through the issuance of Borough of Ambler, general obligation note, series of 1993, in the principal amount of $2,960,000.

Ord./Res.	Date	Description
915	12/19/1995	Authorizing the incurring of nonelectoral debt to finance the cost of a project, providing for the issuance of a series of general obligation notes in the aggregate principal amount of $1,300,000.
921	2/20/1996	Authorizing the incurring of nonelectoral debt to finance the cost of a project, providing for the issuance of a series of general obligation notes in the aggregate principal amount of $300,000.
980	10/6/2003	Authorizing and directing the incurring of nonelectoral debt through the issuance of general obligation bonds, series of 2003 in the maximum principal amount of $4,525,000 for and toward the funding of the 2003 Project.
1043	9/15/2009	Authorizing and directing the incurring of nonelectoral debt through the issuance of general obligation bonds, series of 2009 in the maximum principal amount of $3,600,000 for and toward the funding of the 2009 Project.

APPENDIX C

FRANCHISES AND SERVICES

Ord./Res.	Date	Description
90	3/15/1902	Authorizing and granting a franchise to the Delaware and Atlantic Telegraph and Telephone Company to establish, maintain and operate a telephone system in the Borough of Ambler, setting forth certain conditions and regulations regarding said franchise.
99	10/27/1902	Authorizing and granting a franchise to the Ambler Gas Company to construct, operate and maintain a system of underground pipes and conduits, including all necessary appurtenances, for the purpose of supplying gas to the Borough of Ambler and the general public in said Borough, setting forth certain rules and regulations regarding said franchise.
122	7/13/1906	Authorizing and granting a franchise to the Delaware and Atlantic Telegraph and Telephone Company to lay and maintain under the streets and outside of the footway and curblines of the said streets of the Borough a system of conduits, ducts, pipes and manholes for the purpose of placing and maintaining therein its wires, cables and appurtenances thereto, setting forth certain conditions and restrictions relating to said franchise.
163	3/12/1918	Authorizing and granting a franchise to the Ambler Light, Heat and Motor Company to enter upon and occupy the streets, sidewalks, roads and highways of the Borough of Ambler in order to construct, operate and maintain a system of poles, wires, cables and all other necessary appurtenances, for the purpose of providing electric power to the Borough of Ambler, the general public and such firms and corporations as may desire to use the same, setting forth certain rules and regulations concerning said franchise.
164	3/12/1918	Authorizing the Keasby and Mattison Company to enter upon and occupy certain streets and pavements in the Borough of Ambler to construct, operate and maintain a system of poles, wires, cables and other necessary appurtenances, for the purpose of supplying electric power from the power house of said company to its other buildings and to the buildings of the Asbestos Shingle, Slate and Sheathing Company, the Ambler Spring Water Company and the Upper Dublin Water Company, subject to certain terms, covenants and conditions.

Ord./Res.	Date	Description
196	9/15/1925	Authorizing the Reading Railroad Company to construct and maintain an additional railroad track or siding across Church Street in the Borough of Ambler, said track to be located approximately 15 feet northeast of its existing northeast most track now crossing the said street at grade. Provided, that the said Company shall keep the surface of said street where the additional railroad track or siding shall cross in good condition for vehicular travel along said street.
267	2/1/1937	Approving, authorizing and directing the execution of a contract between the Borough of Ambler, Montgomery County, Pennsylvania and the Ambler Spring Water Company, a Pennsylvania corporation, providing for the purchase of real estate and personal property (except as in said ordinance more particularly provided) together with all rights, title, interest, privileges and franchises of Ambler Spring Water Company for the sum of $245,000 as hereinafter recited.
696	9/18/1978	Granting to Telecable of Springfield, Inc., a cable televison franchise in the Borough of Ambler.
699	11/9/1978	Authorizing the execution and delivery of construction agreements and contracts for certain additions to and alteration of the existing sewage treatment plant and related facilities serving the Borough of Ambler and environs.
735	3/16/1981	Amending Ord. 699, cable television franchise.
751	12/21/1981	Amending Ord. 699, cable television franchise.
803	4/15/1985	Amending Ord. 699, cable televison franchise.
850	5/15/1989	Granting to Dravo Energy Resources Montgomery County, Inc., and entering into an intermunicipal agreement for municipal solid waste disposal.

APPENDIX D

GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

Ord./Res.	Date	Description
251	8/11/1935	To establish a Municipal Authority for the Borough of Ambler, Pennsylvania, by the creation of an Ambler Borough Authority and otherwise to carry into effect for the said Borough of Ambler the Act of Assembly approved June 28, 1935, known as the "Municipal Authorities Act of 1935."
R.4/13/1936		Asking for County and for paving South Ridge Avenue and Mattison Avenue.
R. 7/23/1936		Requesting County aid for improvement of South Main Street from Orange Avenue to Bannockburn Avenue and Bannockburn Avenue from Main Street to Church Street
R. 1/15/1938		Application for County aid to pave Locust Street. Ridge Avenue, Chestnut Street. Maple Street, Wissahickon Avenue, Trinity Avenue and Center Street.
355	9/14/1952	Authorizing the execution and delivery of a plan and agreement providing for the extension of the Social Security System to certain employees and officers of the Borough of Ambler, providing for a system of payroll deductions and matching Borough payments, as well as all other required actions necessary to effectuate coverage under the said Old Age and Survivors Insurance System.
565	4/13/1970	Providing for the establishing of a Parking Authority for the Borough of Ambler under the provisions of the Parking Authority Law (P.L. 458, 6/5/1947) to be known as the "Parking Authority of Ambler," setting forth the articles of incorporation of said Authority.
577	12/14/1970	Authorizing the execution of a modified plan and agreement for coverage of public employees under the Federal Social Security System as requested by the Pennsylvania Secretary of Labor and Industry.
726	8/18/1980	Entering into a mutual aid pact with certain other municipalities in Montgomery County establishing uniform procedures for participating municipalities to request or supply additional police protection during emergency situations and/or natural disasters, providing for the implement alia procedures, insurance and financial support required by said pact.

Ord./Res.	Date	Description
700	11/9/1978	Authorizing the development and establishment of an industrial cost recovery system for recovery of a portion of the Federal grant in respect of the Borough's sewage treatment plant from industrial's users thereof, providing for the use of funds recovered under such system.
737	7/20/1981	Authorizing and approving the entry of the Borough of Ambler into an intermunicipal police cooperation agreement with the Townships of Lower Gwynedd, Upper Dublin, Whitemarsh and Whitpain, setting forth the purpose, objectives, conditions and limitations on said agreement.
764	9/20/1982	Authorizing the Borough of Ambler to join with other local government units as a settlor of the Pennsylvania Local Government Investment Trust for the purpose of purchasing shares of the Trust.
768	1.17.1983	Endorsing the articles of agreement of the Montgomery County Consortium of Communities, authorizing the execution of said agreement and the participation in the consortium officials by appropriate officials of the Borough.
814	12/2/1985	Authorizing the execution of an intermunicipal agreement for the disposal of municipal solid waste by and among the County of Montgomery and the Townships and Boroughs named herein.
815	12/16/198	Authorizing the ratification of the execution of a Joint Intermunicipal Cooperation Agreement among the Borough of Ambler, the Township of Lower Gwynedd, the Township of Upper Dublin, the Township of Whitpain, the Township of Whitemarsh, Lower Gwynedd Township Municipal Authority, Upper Dublin Township Authority and the Whitpain Township Sewer Authority, concerning use and operations of Ambler Joint Wastewater Treatment Plant.
838	1/9/1988	Authorizing the participation of Ambler Borough in the Delaware Valley Municipal Liability Self-Insurance Trust for the purpose of pooling liability risks with other municipalities in accordance with the Pennsylvania Political Subdivision Tort Claims Act and the Pennsylvania Intergovernmental Cooperation Law.
868	7/15/1991	Authorizing the participation of Ambler Borough in the Delaware Valley Workers' Compensation Trust in accordance with the Pennsylvania Intergovernmental Corporation Law and the Pennsylvania Political Subdivision Tort Claim Act.

Ord./Res.	Date	Description
905	10/11/1993	Authorizing the participation of the Borough of Ambler in the Delaware Valley Workers' Compensation Trust in accordance with the Pennsylvania Compensation Act and the Pennsylvania Intergovernmental Cooperation Law.
913	6/20/1995	Authorizing the Borough to enter into a settlement of the Moyer Landfill litigation, execute a trust agreement providing for certain construction that is part of that settlement and providing for the partial funding of the trust to the extent of $175,000 and the delegation of the settlement responsibilities to the trustees under the aforesaid trust agreement, all to be in compliance with the Pennsylvania Intergovernmental Cooperation Law.
938	11/19/1998	Authorizing and intermunicipal cooperation agreement for the join purchase of real estate to be utilized as a joint park by the Borough of Ambler and Lowe Gwynedd Township.
953	2/19/2001	Adopting a Comprehensive Plan of the Borough of Ambler, Montgomery County, Pennsylvania.
954	3/19/2001	Authorizing the participation of Ambler Borough in the Delaware Valley Municipal Health Insurance Trust Program pursuant to the Pennsylvania Intergovernmental Cooperation Law.
R. 2001-09	5/21/2001	Acknowledging the faithful service of Frank Scalfaro for 20 years as a member of the Water Department.
R.2001-10	5/21/2001	Authorizing and directing the Borough Council President to execute an agreement (PennDOT – Butler Pike Water Main over Septa line) on its behalf and the Borough Secretary be authorized and directed to attest the same.
R.2001-11	6/4/2001	Accepting the Open Space Acquisition Grant in the amount of $753,000 granted by the Board of Commissioners to the Township and the Borough to purchase the Henkel property.
R.2001-13	6/18/2001	Authorizing the submission of the request for the Pennsylvania Department of Transportation to provide a 50% reimbursement to Ambler Borough for all costs incurred in relocating our water main at Summit Avenue Bridge affected by S.R. 0309, §110 improvement necessitated by the Pennsylvania Department of Highway Improvement in Montgomery County.

Ord./Res.	Date	Description
R.2001-14	7/16/2001	Resolving that the Salvatore Pasceri, Council President, is authorized to execute for and in behalf of Ambler Borough all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
R.2001-15	7/16/2001	Extending its deepest sympathy and condolences to the family of Bonnie M. Kroll in their time of bereavement.
R.2002-01	2/19/2002	Honoring Karen Kieswer, Chairperson, Environmental Advisory Council.
R.2002-02	3/18/2002	In memory of Anthony J. Decembrino
R.2002-03	3/18/2002	Authorizing filing of grant application.
R.2002-04	3/18/2002	Community Block Grant Project.
R 2002-05	4/14/2002	Adopting amendments to the Borough Drought Contingency Plan.
R 2002-06	4/15/2002	Transfer of control and internal reorganization COMCAST Cable.
R 2002-07	5/20/2002	PennDOT relocating water mains.
R2002-08	5/20/2002	Honoring Robert Twist for serving 28 years.
R.2002-16A	10/21/2002	Authorizing and directing the President of Council to sign an agreement on its behalf
R.2002-19	12/16/2002	Resolving not to require the members of the Police Pension Plan to make contributions to the plan for calendar year 2002.
R.2003-02	4/7/2003	Approving the application for the Montgomery County Community Revitalization Program Implementation Grants.
R.2003-03	4/21/2003	Designating certain individuals to sign all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
R.2003-04	4/21/2003	Setting the Community Block Grant Project priorities for submission to the Court of Montgomery County under the Montgomery Housing and Community Development Program.
R.2003-05	7/21/2003	Acknowledging the faithful outstanding service to the Borough of Philip P. Benigno during the past 30 years.
R.2003-06	8/18/2003	Endorsing and supporting the proposed 2003 Montgomery County Open Space Program.

Ord./Res.	Date	Description
R.2003-07	9/15/2003	Resolving not to require the members of the Police Pension Plan to make contribution to the plan for calendar year 2004.
R.2003-08	9/15/2003	Resolving not to require the members of the Police Pension Plan to make contributions to the plan for calendar yar 2003.
R.2003-09	9/15/2003	Authorizing the advertisement of an ordinance anticipating the financing of the 2003 Project through the issuance of its general obligation bonds in the fourth quarter of 2003.
R.2003-11	10/6/2003	Authorizing the filing of a Joint Grant Application with Lower Gwynedd Township for Penn Ambler Park Development
R.2003-12	10/20/2003	Preliminary endorsement of Montgomery County Vision Plan.
R.2003-13	11/17/2003	Approving Liquor License Transfer to a Borough property known as 109-115 Butler Avenue.
R.2003-15	12/15/2003	Supporting Federal regulation of the cable industry.
R.2004-01	3/1/2004	Approve, adopt and place into immediate effect the Emergency Operations Plan of Ambler Borough.
R.2004-02	4/5/2004	Setting the 2004 Community Block Grant Project Priorities for submission to the Court of Montgomery under the Montgomery Housing and Community Development Program.
R.2004-03	4/5/2004	Setting the 200 Montgomery County Community Revitalization Program Implementation Grant Priorities.
R.2004-04	4/19/2004	Authorizing the filing of a proposal for funds with the Department of the Commonwealth of Pennsylvania.
R.2004-05	4/19/2004	Closing out Community Conservation Partnerships Grant Project BRG-TAG-B-16.
R.2004-06	4/19/2004	Authorizing and directing the agreements for the cost of construction of the Ambler Gateway Streetscape Enhancement Improvements, designated as #060958.
R.2004-07	4/19/2004	Desiring to enter into a reimbursement agreement with the County Commissioners of Montgomery County as it relates t the design of traffic signal improvements.

APPENDIX E

PLAN APPROVAL

Ord./Res.	Date	Description

APPENDIX F

PUBLIC PROPERTY

Ord./Res.	Date	Description

APPENDIX G

SEWERS

Ord./Res.	Date	Description
247	11/6/1934	Providing for the establishment and construction of a system of sanitary sewers and sewage treatment works. The awarding of contracts in connection therewith, the acquiring of the necessary land and rights-of-way therefor, either by agreement or by the exercise of eminent domain, or both, within or beyond the limits of Ambler, providing penalties for injury to any parts of the system or works and for interference with the construction or operation thereof and providing for the proper operation and regulation thereof and the method of assessing the cost of same.

A. Beginning at a junction manhole in the intersection of South Main Street and Church Street thence: extending northwestwardly in South Main Street 2,750 feet, more or less, to a manhole, a dead-end.

B. Beginning at a manhole at the intersection of South Main Street and Bannockburn Avenue thence; extending eastwardly in Bannockburn Avenue 830 feet, more or less, to a manhole in the intersection of Bannockburn Avenue and Church Street.

C. Beginning at a manhole in the intersection of Orange Street and South Main Street thence; extending northeastwardly in Orange Street for 1,050 feet, more or less, to a manhole in the intersection of Orange Street and Rosemary Avenue.

D. Beginning at a manhole in the intersection of South Spring Garden Street and Orange Street; then southeastwardly in South Spring Garden Street for 240 feet, more or less, to a manhole in the intersection of South Spring Garden Street and Highland Avenue.

E. Beginning at a manhole in the intersection of Highland and South Spring Garden Street; thence extending eastwardly in Highland Avenue for 1.450 feet, more or less, to a manhole in the intersection of Highland Avenue and Church Street.

Ord./Res.	Date	Description
		F. Beginning at a manhole in the intersection of Church Street and Southern Avenue; thence; extending westwardly in Southern Avenue for 300 feet, more or less, to a manhole, a dead-end.
		G. Beginning at a manhole in the intersection of Church Street and Bannockburn Avenue; then northwestwardly in Church Street, 1,000 feet, more or less, to a manhole in the intersection of Church Street and Highland Avenue.
		H. Beginning at a junction manhole in the intersection of Ridge Avenue and Orange Street; thence extending southeastwardly in the bed of Ridge Avenue 250 feet, more or less, to a junction manhole in the intersection of Ridge Avenue, Lemon Street and Trinity Avenue; thence eastwardly in the bed of Trinity Avenue 1,340 feet, more or less, to a manhole, a dead-end.
		I. Beginning at a junction manhole in the intersection of Lemon Street, Ridge Avenue and Trinity Avenue; thence extending northeastwardly in the bed of Lemon Street 270 feet, more or less, to a manhole, a dead-end.
		J. Beginning at a manhole in the bed of Rosemary Avenue, a dead-end, at the distance of 220 feet, more or less, from the intersection of Rosemary Avenue and Church Street; thence extending westwardly in the bed of Rosemary Avenue 2,030 feet, more or less, to a manhole near the intersection of Rosemary Avenue and Poplar Street; thence extending northwestwardly crossing the bed of Rosemary Avenue and partly in the bed of Poplar Street 100 feet, more or less, to a manhole, an angle; thence northwestwardly through private property 180 feet to a manhole, a dead-end.
		K. Beginning at a manhole in the bed of Rosemary Avenue at the distance of 60 feet, more or less, from the intersection of Rosemary Avenue 160 feet, more or less, to a manhole, an angle; thence still in the bed of Rosemary Avenue westwardly 1,780 feet, more or less, to a manhole, a dead-end.

Ord./Res.	Date	Description
		L. Beginning at a junction manhole in the intersection of Water Street and Rosemary Avenue; thence northwardly crossing the bed of Rosemary Avenue and in the bed of Water Street the distance of 380 feet, more or less, to a junction manhole in the intersection of Water Street and Mattison Avenue.
		M. Beginning at a junction manhole in the intersection of North Street and Rosemary Avenue; thence northwardly in the bed of North Street 150 feet, more or less, to a manhole, a dead-end.
		N. Beginning at a junction manhole in the intersection of Park Avenue and Rosemary Avenue; thence northwardly in the bed of Park Avenue 200 feet, more or less, to a manhole, a dead-end.
		O. Beginning at a junction manhole in the intersection of Poplar Street and Mattison Avenue; thence southeastwardly in the bed of Mattison Avenue 40 feet, more or less, to a manhole, an angle; thence eastwardly still in the bed of Mattison Avenue 1,870 feet, more or less, to a manhole, a dead-end.
		P. Beginning at a junction manhole in the intersection of Poplar Street and Mattison Avenue; thence northwestwardly in the bed of Poplar Street 500 feet, more or less, to a manhole, a dead-end.
		Q. Beginning at a junction manhole in the intersection of Greenwood Avenue and Mattison Avenue; thence northeastwardly in the bed of Greenwood Avenue 820 feet, more or less, to a manhole, a dead-end.
		R. Beginning at the junction manhole in the intersection of Park Avenue and Mattison Avenue; thence northwardly in the bed of Park Avenue the distance of 1,080 feet, more or less, to a junction manhole in the intersection of Park Avenue and Nichols Street; thence eastwardly in the bed of Nichols Street 230 feet, more or less, to a manhole, an angle, to a manhole in the intersection of Nichols Street and Woodland Avenue.
		S. Beginning at a junction manhole in the intersection of North Street and Lindenwold Avenue; thence northwardly in the bed of North Street 670 feet, more or less, to a junction manhole in the intersection of North Street and Woodland Avenue.

Ord./Res.	Date	Description
		T. Beginning at a junction manhole in the intersection of Wysox Lane and Woodland Avenue; thence southwardly in the bed of Wysox Lane 520 feet, more or less, to a manhole, a dead-end.
		U. Beginning at a junction manhole in the intersection of Euclid Avenue and Park Avenue; thence eastwardly in the bed of Euclid Avenue 800 feet, more or less, to a manhole, a dead-end.
		V. Beginning at a junction manhole in the intersection of Park Avenue and a lane between Euclid Avenue and Lindenwold Avenue; thence eastwardly in the bed of said lane 700 feet, more or less, to a manhole, a dead-end.
		W. Beginning at a junction manhole in the intersection of Lindenwold Avenue and Park Avenue; thence westwardly in the bed of Lindenwold Avenue 1,250 feet, more or less, to a manhole, a dead-end.
		X. Beginning at a manhole in the intersection of Lindenwold Avenue and Bethlehem Pike; thence westwardly in the bed of Lindenwold Avenue 1,250 feet, more or less, to a manhole, a dead-end.
		Y. Beginning at a junction manhole in the intersection of Woodland Avenue and Nichols Street; thence eastwardly in the bed of Woodland Avenue 500 feet, more or less, to a manhole, a dead-end.
		Z. Beginning at a junction manhole in the intersection of South Main Street and Church Street; thence extending southwestwardly in the bed of Church Street and crossing the right-of-way of the North Pennsylvania Railroad a distance of 500 feet, more or less, to a manhole, an angle.
		AA. Beginning at a manhole, a dead-end, in the bed of Locust Street at the distance of 100 feet, more or less, southeastwardly from Butler Avenue; thence southeastwardly in the bed of Locust Street for a distance of 950 feet, more or less, to a manhole, a dead-end.

Ord./Res.	Date	Description
		BB. Beginning at a junction manhole, the intersection of Center Street and Locust Street; thence extending northeastwardly in the bed of Locust Street for a distance of 330 feet, more or less, to a junction manhole in the intersection of Center Street and Chestnut Street.
		CC. Beginning at a junction manhole in the intersection of Center Street and Wissahickon Avenue; thence extending northeastwardly for a distance of 160 feet, more or less, in the bed of Wissahickon Avenue to a manhole at the intersection of Wissahickon Avenue and an alley way lying between Chestnut Street and Locust Street; thence southeastwardly in the bed of said alley 100 feet, more or less, to a manhole, a dead-end.
		DD. Beginning at a manhole in the northwestwardly side of Butler Avenue at the intersection of Butler Avenue and Chestnut Street; thence extending southeastwardly crossing the bed of Butler Avenue and in the bed of Chestnut Street for a distance of 1,130 feet, more or less, to a manhole, a dead-end.
		EE. Beginning at a manhole in the northwestwardly side of Butler Avenue at the intersection of Butler Avenue and Chestnut Street; thence extending northeastwardly in the bed of Butler Avenue 150 feet, more or less, to a manhole, a dead-end.
		FF. Beginning at a manhole in the southeastwardly side of Butler Avenue at the intersection of Butler Avenue and Chestnut Street; thence extending northeastwardly in the bed of Butler Avenue 150 feet, more or less, to a manhole, a dead-end.

Ord./Res.	Date	Description
		GG. Beginning at a junction manhole in the intersection of Wissahickon Avenue and Chestnut Street; thence extending northeastwardly in the bed of Wissahickon Avenue for a distance of 340 feet, more less to a manhole in the intersection of Wissahickon Avenue and Maple Street; thence northwestwardly in the bed of Maple Street a distance of 1,450 feet, more or less, to a manhole, an angle; thence still in the bed of Maple Street northwestwardly 380 feet, more or less, crossing a stream to a manhole, an angle; thence through private property northeastwardly 250 feet, more or less, to a manhole in the bed of Tennis Avenue; thence northeastwardly in the bed of Tennis Avenue for a distance of 200 feet, more or less, to a junction manhole in the intersection of Tennis Avenue and North Main Street.
		HH. Beginning at a junction manhole in the bed of Maple Street at the distance of 250 feet, more or less, northwestwardly from Butler Avenue; thence extending northeastwardly through private property and crossing the right-of-way of the North Pennsylvania Railroad 300 feet, more or less, to a junction manhole; thence northeastwardly partly through private property and partly in the bed of Short Street 170 feet, more or less, to a junction manhole in the intersection of North Main Street and Race Street; thence northeastwardly in the bed of Race Street for a distance of 300 feet, more or less, to a junction manhole in the intersection of North Spring Garden Street for the distance of 40 feet, more or less, to a manhole, an angle; thence northeastwardly through private property for a distance of 1,780 feet, more or less, crossing the bed of North Ridge Avenue, Race Street and partly in the bed of Butler Avenue to a junction manhole on the southeastwardly side of Butler Avenue.
		II. Beginning at a junction manhole in the bed of Short Street at the distance of 120 feet, more or less, southwestwardly from the intersection of North Main Street and Short Street; thence southeastwardly through private property and crossing the bed of Butler Avenue and South Main Street; thence extending northeastwardly in the bed of Butler Avenue for a distance of 1,580 feet, more or less, to a manhole, a dead-end.

Ord./Res.	Date	Description

JJ. Beginning at a junction manhole in the intersection of Butler Avenue and South Spring Garden Street; thence extending southeastwardly in the bed of South Spring Garden Street for a distance of 150 feet, more or less, to a manhole, a dead-end.

KK. Beginning at a manhole in the intersections of Mount Pleasant Avenue and North Main Street; thence extending southeastwardly in the bed of North Main Street for a distance of 1,260 feet to a manhole, an angle; thence still in the bed of North Main Street southeastwardly for a distance of 120 feet, more or less, to a junction manhole in the intersection of Tennis Avenue and North Main Street; thence still in the bed of North Main Street southeastwardly for a distance of 1,500 feet, more or less, to a manhole, a dead-end.

LL. (1) Beginning at a manhole in the intersection of North Main Street and Walnut Street; thence extending northeastwardly in the bed of Walnut Street for a distance of 300 feet, more or less, to a manhole, a dead-end.

(2) Beginning at a manhole in the intersection of North Spring Garden Street and Walnut Street; thence extending northeastwardly in the bed of Walnut Street for a distance of 180 feet, more or less, to a manhole, a dead-end.

MM. (1) Beginning at a manhole in the intersection of North Main Street and Forest Avenue; thence extending northeastwardly in the bed of Forest Avenue for a distance of 240 feet, more or less, to a manhole, a dead-end.

(2) Beginning at a manhole in the intersection of North Spring Garden Street and Forest Avenue; thence extending northeastwardly in the bed of Forest Avenue for a distance of 370 feet, more or less, to a manhole in the intersection of North Ridge Avenue and Forest Avenue.

(3) Beginning at a manhole in the intersection of Forest Avenue and Ainsworth Street; thence extending northeastwardly in the bed of Forest Avenue for a distance of 370 feet, more or less to a manhole in the intersection of Forest Avenue and Hendricks Street.

Ord./Res.	Date	Description

(4) Beginning at a manhole in the intersection of Forest Avenue and Bethlehem Pike; thence extending southwestwardly in the bed of Forest Avenue for a distance of 950 feet, more or less, to a manhole, a dead-end.

NN. Beginning at a manhole in the intersection of North Spring Garden Street and Belmont Avenue; thence extending northeastwardly in the bed of Belmont Avenue for a distance of 2,150 feet, more or less, to a manhole, a dead-end.

OO. Beginning at the manhole in the bed of North Ridge Avenue at the distance of 300 feet, more or less, southeastwardly from the intersection of North Ridge Avenue and Tennis Avenue; thence extending northeastwardly partly through private property and partly in the bed of Valley Brook Road for a distance of 2,750 feet, more or less, to a manhole in the intersection of Valley Brook Road and Bethlehem Pike.

PP. Beginning at a manhole, a dead-end, in the bed of Edgewood Drive at the distance of 150 feet, more or less, southwestwardly from the intersection of Edgewood Drive and Bethlehem Pike; thence extending southwestwardly partly in the bed of Edgewood Drive and partly through private property 2,600 feet, more or less, to a junction manhole.

QQ. (1) Beginning at a junction manhole in the intersection of North Main Street and Tennis Avenue; thence extending northeastwardly in the southeasterly side of the bed of Tennis Avenue and for a distance of 3,550 feet, more or less, to a manhole, a dead-end.

(2) Beginning at a junction manhole in the intersection of Reiffs Mill Road and Tennis Avenue; thence extending northeastwardly in the northwesterly side of the bed of Tennis Avenue for a distance of 3,400 feet, more or less, to a manhole in the intersection of Tennis Avenue and Bethlehem Pike.

Ord./Res.	Date	Description

RR. (1) Beginning at a manhole, a dead-end, in the southeasterly side of the bed of Butler Avenue at the distance of 50 feet, more or less, southwestwardly from the intersection of Butler Avenue and Bethlehem Pike; thence extending southwestwardly in the southeasterly of the bed of Butler Avenue for a distance of 1,360 feet, more or less, to a manhole, a dead-end.

(2) Beginning at a manhole in the intersection of Butler Avenue and Bethlehem Pike; thence extending southwestwardly in the northwesterly side of the bed of Butler Avenue for a distance of 1,250 feet, more or less, to a junction manhole.

SS. (1) Beginning at a manhole in the intersection of Heckler Street and Hendricks Street; thence extending northeastwardly in the bed of Heckler Street for a distance of 300 feet, more or less, to a manhole.

(2) Beginning at a manhole in the intersection of Heckler Street and Bethlehem Pike; thence extending southwestwardly in the bed of Heckler Street for a distance of 350 feet, more or less, to a manhole.

TT. Beginning at a manhole in the intersection of Fairview Avenue and Hendricks Street; thence extending northeastwardly in the bed of Fairview Avenue for a distance of 900 feet, more or less, to a manhole in the intersection of Fairview Avenue and Bethlehem Pike.

UU. Beginning at a manhole in the intersection of North Spring Garden and Belmont Avenue; thence extending southeastwardly in the bed of North Spring Garden Street for a distance of 120 feet, more or less, to a manhole, a dead-end; thence beginning at a manhole, a dead-end, in the bed of North Spring Garden Street at the distance of 180 feet, more or less, from the intersection of North Spring Garden Street and Belmont Avenue; thence extending southeastwardly in the bed of North Spring Garden Street for a distance of 730 feet, more or less, to a junction manhole in the intersection of North Spring Garden Street and Race Street.

Ord./Res.	Date	Description
		VV. Beginning at a manhole in the intersection of North Ridge Avenue and Belmont Avenue; thence extending southeastwardly in the bed of North Ridge Avenue for a distance of 200 feet, more or less, to a manhole, a deadend; thence beginning at a manhole in the intersection of North Ridge Avenue and Forest Avenue and extending southeastwardly in the bed of North Ridge Avenue for a distance of 680 feet, more or less, to a junction manhole.
		WW. Beginning at a manhole in the intersection of Ainsworth Street and Forest Avenue; thence extending northwestwardly through private property for a distance of 630 feet, more or less, to a junction manhole.
		XX. Beginning at a manhole in the intersection of School Street and Forest Avenue; thence extending southeastwardly in the bed of School Street for a distance of 650 feet, more or less, to a manhole in the intersection of School Street and Race Street; thence extending southwestwardly in the bed of Race Street for a distance of 350 feet, more or less, to a manhole in the intersection of North Ridge Avenue and Race Street.
		YY. Beginning at a manhole in the intersection of Hendricks Street and Butler Avenue; thence extending northwestwardly in the bed of Hendricks Street for a distance of 700 feet, more or less, to a manhole, a dead-end; thence beginning at a manhole in the intersection of Hendricks Street and Forest Avenue and extending northwestwardly in the bed of Hendricks Street for a distance of 620 feet, more or less, to a manhole in the intersection of Hendricks Street and Valley Brook Road.
		ZZ. Beginning at a manhole in the intersection of Glen Mawr Drive and Valley Brook Road; thence extending southeastwardly in the bed of Glen Mawr Drive for a distance of 400 feet, more or less, to a manhole, a dead-end.

Ord./Res.	Date	Description
		AAA. Beginning at a manhole in the intersection of Butler Avenue and Bethlehem Pike; thence extending northwestwardly in the bed of Bethlehem Pike a distance of 180 feet, more or less, to a manhole in the intersection of Heckler Street and Bethlehem Pike; thence beginning at a manhole in the intersection of Fairview Avenue and Bethlehem Pike and extending northwestwardly in the bed of Bethlehem Pike for a distance of 820 feet, more or less, to a manhole at the intersection of Valley Brood Road and Bethlehem Pike; thence beginning at a manhole in the intersection of Tennis Avenue and Bethlehem Pike and extending northwestwardly in the bed of Bethlehem Pike for a distance of 1,080 feet, more or less, to a manhole, a dead-end.
		BBB. Beginning at a manhole in the intersection of North Ridge Avenue and Tennis Avenue; thence extending southeastwardly in the bed of North Ridge Avenue for a distance of 320 feet, more or less, to a manhole.
		CCC. Beginning at a manhole in the intersection of North Spring Garden Street, Reiffs Mill Road and Tennis Avenue; thence extending northwestwardly in the bed of North Spring Garden Street for a distance of 1,220 feet, more or less, to a manhole, a dead-end.
		DDD. Beginning at a manhole in the intersection of Reiffs Mill Road and Tennis Avenue; thence extending northwestwardly partly in the bed of Tennis Avenue and partly in the bed of Reiff's Mill Road for a distance of 1,350 feet, more or less, to a manhole, a dead-end.
		EEE. Beginning at a manhole in the intersection of Reiff's Mill Road and North Ridge Avenue; thence extending northwestwardly in the bed of North Ridge Avenue for a distance of 850 feet, more or less, to a manhole in the intersection of North Ridge Avenue and Mount Pleasant Avenue.

Ord./Res.	Date	Description
		FFF. Beginning at a manhole in the intersection of North Main Street and Mount Pleasant Avenue; thence extending northeastwardly in the bed of Mount Pleasant Avenue for a distance of 1,850 feet, more or less, to a manhole in the intersection of Mount Pleasant Avenue and Old Ambler Road.
		GGG. Beginning at a junction manhole in the bed of Locust Street at the distance of 270 feet southeastwardly from the intersection of Locust Street and Center Street; thence extending southwestwardly through private property for a distance of 160 feet, more or less, to a manhole, an angle; thence still through private property southwestwardly for a distance of 30 feet, more or less, to the Borough line.
249	12/3/1934	Providing for the extension of sewer mains and outlets and the construction of sewage disposal works and the acquiring of the necessary land and right-of-way therefor, either by agreement or by the exercise of eminent domain, or both, beyond the limits of Ambler.
255	2/10/1936	Providing for the extension of sanitary sewer mains and the construction of outlets, inlets, manholes and of a tunnel for said mains and the acquiring of the necessary land and rights-of-way therefor, either by agreement or the exercise of eminent domain or both, beyond the limits of the Borough of Ambler, Montgomery County, Pennsylvania. (This provided for the following): A. Sanitary sewers through the private property of Keasby and Mattison Company, Edwin H. Vare Estate, Alice L. Roberts, Maple Avenue in Whitpain and Upper Dublin Townships and across the right-of-way of North Pennsylvania Railroad. B. Storm sewer along extensions of the above-mentioned sanitary sewer from Locust Street southwesterly and a tunnel over the land of Keasbey and Mattison Company. C. Acquiring property for the location of the above sewer lines.
266	8/3/1936	Providing for an extension to the sanitary sewage system, within the Borough of Ambler and providing for the method of assessing the cost of the same. (This authorized the following extensions):

Ord./Res.	Date	Description
		A. Beginning at a manhole in the intersection of South Main Street and Lower Church Street; thence extending northwesterly in Lower Church Street approximately 690 feet to a manhole, a dead-end.
		B. Beginning at a manhole in the intersection of South Main Street and Lower Church Street; thence extending northeastwardly in South Main Street approximately 210 feet to a dead-end at the intersection of South Main Street and Randolph Avenue.
368	12/13/1954	Providing for the amending of part of §2 of Ord. 247, as amended, establishing a general Borough sewer system by permitting the use of asbestos-cement pipe.
425	9/9/1957	Authorizing the construction of a sanitary sewer in Race Street in the Borough of Ambler. (This refers to an eight inch sewer extending from the existing manhole at Race Street and Butler Avenue, westwardly 730 feet.

APPENDIX H

STREETS AND SIDEWALKS

This appendix contains an alphabetical listing of streets; and, under each street, a listing of all ordained activities.

Name	Activity	Location	Ord./Res.	Date
Ambler Avenue	Opening	To Maple Avenue	7	5/13/1889
Anderson Lane	Laying Out and Opening	From the northwest side of Tennis Avenue.	761	5/17/1982
Bannockburn Avenue	Laying	Concrete sidewalks and erecting curbs on the southwest side of Bannockburn Avenue from South Main Street to Church Street in the Third Ward.	204	5/2/1927
Bannockburn Avenue	Opening	From the southeast side or line of the Borough of Ambler to Spring Garden Street.	78	9/3/1901
Belmont Avenue	Locating and Establishing	From the centerline of Ridge Avenue northeastward to the centerline of Glen Mawr Drive in the First Ward.	298	1/17//1941
Bethlehem Pike	Establishing	Lines, grades, drainage structures and all other structures between Rosemary Avenue and Mt. Pleasant Avenue where the present right-of-way of Bethlehem Pike extends over the Borough line.	244	3/12/1934
Butler Avenue	Laying		20	3/17/1890
Butler Avenue	Locating	From the centerline of Main Street to the centerline of Lindenwold Avenue.	271	5/4/1937

Name	Activity	Location	Ord./Res.	Date
Butler Avenue	Directing	Setting of curbstones, laying of payments and gutters by the owners of real estate on each side of Butler Avenue from its intersection with Lindenwold Avenue to its intersection with the Chestnut Hill and Springhouse Turnpike Road.	85	9/3/1901
Butler Avenue	Increasing Width	From its extreme northeastern to its extreme southwestern boundary.	1	4/22/1889
Butler Avenue	Repairing		25	5/12/1890
Butler Avenue	Directing	Owners of real estate on each side of Butler Avenue from Lindenwold Avenue to the Chestnut Hill and Springhouse Turnpike to lay sidewalks, construct gutters and lay and construct curbs along the fronts of their respective properties.	140	10/4/1909
Butler Avenue	Laying	Amending Ord. 20	27	5/12/1890
Butler Avenue	Widening	From the intersection of westerly Borough line with the centerline of Butler Avenue eastwardly to the Bethlehem Pike, the easterly Borough line.	224	11/12/1929
Butler Avenue	Reestablishing	Amending Ord. 1	21	4/14/1890
Butler Avenue	Laying	Gutters	26	5/12/1890
Center Street	Vacating	From the northeast side of Chestnut Street for a distance of 135 feet to a point on the southwest side of a public alley.	288	6/12/1939
Centre Street	Vacating	From a point 175 feet northeasterly from a stone set in the middle line of said Centre Street with its intersection with the middle line of Chestnut Street to the line of Maple Street.	88	3/5/1902

Name	Activity	Location	Ord./Res.	Date
Centre Street	Laying	Stone or brick gutters and sidewalks and erecting curbstones on either side of Centre Street from the southwest side of Maple Street to the northeast side of Locust Street in South Ambler.	56	6/8/1897
Chestnut Street	Laying	Stone or brick gutters and sidewalks and erecting curbstones on either side of Chestnut Street from the southeast side of Butler Avenue to the northwest side of Keasbey and Mattison Company's land in South Ambler.	54	6/8/1897
Church Street	Defining	From the centerline of South Main Street northeastward to the centerline of Bannockburn Avenue in the Third Ward.	318	5/14/1945
Church Street	Establishing	Grade thereon and providing for the laying of Church Street from the westerly side of Bethlehem Pike (60 feet wide) the Borough line westerly to Rosemary Avenue in the Third Ward.	272	5/3/1937
Cover Road	Defining	From the center line of Tennis Avenue southeast to the centerline of Edgewood Drive in the First Ward.	352	2/11/1952
Daniel Drive	Accepting	From Mt. Pleasant Avenue to Daniel Drive	1001	7/17/2006
East Race Street	Establishing	Grade of East Race Street between North main Street and North Spring Garden Street and providing for erecting curbs and laying sidewalks on the south side of Race Street between North Main Street and Spring Garden Street in the First Ward.	221	8/5/1929
Edgewood Drive	Defining	From the southwest side of the Bethlehem Pike southwest to the centerline of Hendricks Street in the First Ward.	351	2/11/1952
Euclid Avenue	Laying	Stone or brick gutters and sidewalks and erecting curbstones on either side of Euclid Avenue from the southeast side of Park Avenue to the northwest side of the Chestnut Hill and Springhouse Turnpike Road.	48	5/5/1896

Name	Activity	Location	Ord./Res.	Date
Fairview Avenue	Directing	From the Chestnut Hill and Springhouse Turnpike Road to Hendricks Street to lay sidewalks and lay or construct curbs along the fronts of their respective properties.	179	4/11/1923
Forest Avenue	Directing	Owners of real estate on each side of Forrest Avenue, from Main to Spring Garden Street to lay sidewalks, construct gutters and construct curbs along the front of their respective properties.	139	9/15/1909
Forest Street	Laying	Stone gutters on either side of Forest Street from Main Street to Spring Garden Street.	32	4/13/1891
Forest Street	Grading	Amending Ord. 16	28	5/12/1890
Forest Street	Directing	Owners of real estate on either side of Forest Street, for its entire length, to erect curbstones and lay sidewalks along the front of their respective properties.	17	3/10/1890
Forest Avenue	Laying	Gutters on either side of Forest Avenue from Spring Garden Street to Ridge Avenue.	60	7/10/1897
Forest Street	Grading		16	3/1/1890
Forrest Street	Laying	Brick, flagstone or cement gutters from Spring Garden Street to the Springhouse and Chestnut Hill Turnpike Road.	101	5/4/1903
Glen Mawr Drive	Defining	From the northwest side of Forest Avenue northwest to the centerline of Valley Brook Road in the First Ward.	349A	2/11/1952
Greenwood Avenue	Defining	From the centerline of Lindenwold Avenue southwestwardly to the centerline of Mattison Avenue in the Second Ward.	331	9/3/1947
Greenwood Avenue	Directing	Laying of stone, brick or cement gutters and sidewalks and erecting stone or cement curbstones on each side from the southerly side of Lindenwold Avenue to the northerly side of Mattison Avenue.	160	4/10/1916

Name	Activity	Location	Ord./Res.	Date
Greenwood Avenue	Vacating	From Main Street to Mattison Avenue.	83	9/3/1901
Grove Street	Opening	From Main Street to Spring Garden Street.	107	12/9/1903
Hart Avenue	Increasing Width	Between Main Street and Springhouse Turnpike	2	4/22/1889
Heckler Street	Defining	From the centerline of Hendricks Street northeast to the centerline of Rosemont Avenue in the First Ward.	356	8/10/1953
Hendricks Street	Defining and Locating	From centerline of Forest Avenue northwestwardly to the centerline of Mt. Pleasant Avenue.	327	3/10/1947
Hendricks Street	Directing	Entire length, from Butler Avenue to Forrest Avenue, to lay sidewalks, construct gutters and lay or construct curbs along the fronts of their respective properties.	148	7/-/1912
Highland Avenue	Improving	From Park Avenue to Church Street	R. 3/16/1936	
Highland Avenue	Establishing and Laying	Grades thereon and providing for the laying of curbs and sidewalks on both sides of Highland Avenue from the northeasterly side of South Spring Garden Street eastward to the northeasterly side of Church Street in the Third Ward.	257	5/4/1936
Lemon Street	Locating and Laying	Curbs and a sidewalk from the north side of Trinity Avenue to the south side of Rosemary Avenue in the Second Ward.	269	4/5/1937
Lindenwold Avenue	Laying	Gutters	33	4/17/1893
Lindenwold Avenue	Locating	From the centerline of Butler Avenue northwestwardly to the southeast side of Race Street in the First Ward.	311	10/11/1944
Lindenwold Avenue	Increasing Width	Between Butler Avenue and Springhouse Turnpike.	4	4/22/1889

Name	Activity	Location	Ord./Res.	Date
Lindenwold Avenue	Directing	Entire length	19	3/17/1890
Lindenwold Avenue	Directing	Owners of real estate to lay sidewalks along the front of their respective properties.	30	11/20/1890
Lindenwold Avenue	Increasing Width	Between Butler Avenue and Springhouse Turnpike.	9	9/-/1889
Lindenwold Avenue	Grading	Highway Committee to grade and prepare Lindenwold Avenue for more permanent repair.	29	5/12/1890
Locust Street	Laying	Stone or brick gutters and sidewalks and erecting curbstones on either side of Locust Street from the southeast side of Butler Avenue to the northeast side of Keasbey and Mattison's land in South Ambler.	55	6/8/1897
Locust Street	Locating	From the centerline of Butler Avenue southeast to the property of Keasbey and Mattison Company and establishing the grades for the curbs on each side of the same, said Locust Street being in the Second Ward.	279	11/3/1937
Main Street	Increasing Width	Between Butler Avenue and the intersection of Ambler Avenue with Main Street	3	4/22/1889
Main Street	Laying	Gutters	26	5/12/1890
Maple Street	Laying	Stone or brick gutters and sidewalks and erecting curbstones on either side of Maple Street from the southeast side of Butler Avenue to the northwest side of Keasbey and Mattison's Company's land in South Ambler.	58	6/8/1897
Maple Street	Vacating and Opening	North of Butler Avenue a portion of.	110	7/12/1904

Name	Activity	Location	Ord./Res.	Date
Maple Street	Vacating	From a point 20 feet southeast of a stone in the middle of said street, with its intersection with the middle line of Wissahickon Avenue to the line of land of the Keasbey and Mattison Company.	89	3/5/1902
Maple Street	Opening	From its present southern terminus, being its intersection with Reiff's Mill Road to Butler Avenue.	93	5/6/1902
Maple Street	Defining	Both sides of Maple Street from the centerline of Butler Avenue northwestward to the Borough line between the Borough of Ambler and the Township of Upper Dublin in the First Ward.	335	5/10/1948
Mattison Avenue	Laying	Concrete gutters and sidewalks and erecting curbs from Ridge Avenue to the westerly side of the Chestnut Hill and Springhouse Turnpike Road in the Second and Third Wards.	191	7/15/1924
Mattison Avenue	Opening	From Greenwood Avenue to Ridge Avenue	81	9/3/1901
North Spring Garden Street	Improving	Between the Gwynedd Township line and a point approximately 16 feet west of the intersection with Reiff Mill Road.	475	11/13/1961
North Spring Garden Street	Locating	From the centerline of Tennis Avenue northwest to Mt. Pleasant Avenue and from Mt. Pleasant Avenue northwest to the Borough line and establishing the curb grades on each side of North Spring Garden Street from Reiff's Mill Road northwest to the Borough line, all in the First Ward.	276	10/5/1937
North Street	Laying	Concrete gutters and sidewalks and erecting curbs on both sides of North Street from Woodland Avenue to Trinity Avenue in the Third Ward.	193	9/12/1924
North Main Street	Establishing	From its intersection with Tennis Avenue in the First Ward.	230	6/2/1930

Name	Activity	Location	Ord./Res.	Date
North Street	Establishing	From Trinity Avenue south to Highland Avenue, 40 feet wide with a 26 foot wide cartway and a 7 foot wide sidewalk.	531	12/12/1966
North Ridge Avenue	Establishing	Grade of and providing for the laying of curbs and sidewalks on North Ridge Avenue from the westerly side of Reiff's Mill Road northwestwardly to the southeasterly side of Mt. Pleasant Avenue.	233	4/6/1931
North Main Street	Establishing	Grade of and providing for the laying of curbs and sidewalks on North Main Street from the centerline of Reiff's Mill Road northwestwardly to the centerline of Tennis Avenue.	236	11/18/1931
Orange Avenue	Laying	Concrete sidewalks and erecting curbs on the north side of Orange Avenue from Rosemary Avenue to Main Street and the erecting of curbs on the south side of Orange Avenue from South Spring Garden Street to Main Street, the north side of Rosemary Avenue being in the Second Ward and the south side of aforesaid avenue being in the Third Ward.	199	5/3/1926
Park Avenue	Renaming	The portion extending southeastwardly from the southeast side of Butler Avenue a distance of 152.63 as measured along the centerline of Park Avenue.	435	11/10/1958
Park Avenue	Renaming	Portion extending southeastwardly from the southeast side of Butler Avenue a distance of 152.63 feet as measured along the centerline of Race Street.	542	2/12/1968
Park Avenue	Improving	From Highland Avenue to Trinity Avenue.	R.3/16/1936	
Park Avenue	Locating and Establishing	From the centerline of Lindenwold Avenue northeastward to northwestward to the southeast side of Butler Avenue in the Third Ward.	291	10/16/1939
Park Avenue	Opening	From Mattison Avenue to Rosemary Avenue.	113	9/4/1905

Name	Activity	Location	Ord./Res.	Date
Park Avenue	Laying	Concrete sidewalks and erecting curbs on both sides of Park Avenue from Mattison Avenue to South Avenue in the Second and Third Wards.	209	6/4/1928
Park Avenue	Extending	From the middle of Lindenwold Avenue northwardly to the southeast side of Butler Avenue.	159	3/21/1916
Park Avenue	Laying	Stone or brick gutters and sidewalks and erecting curbstones from the southwest side of Lindenwold Avenue to the northeast side of Mattison Avenue.	49	5/5/1896
Poplar Street	Opening	From Ridge Avenue to Main Street	80	9/3/1901
Poplar Street	Erecting	Curbs on both sides of Poplar Street from Mattison Avenue and Ridge Avenue northeastwardly to the northeasterly side of York Street in the Second Ward.	212	3/4/1929
Poplar Street	Laying	Concrete sidewalks on both sides of Poplar Street from the intersection of Mattison Avenue and Ridge Avenue northeastwardly to the northeasterly side of York Street in the Second Ward.	218	8/5/1929
Poplar Street	Improving	From Rosemary Avenue to Mattison Street	R.3/16/1936	
Poplar Street	Establishing	Grade and providing for the laying of curbs and sidewalks from Rosemary Avenue northeastwardly to Mattison Avenue and Ridge Avenue.	258	5/4/1936
Poplar Street	Improving	From Main Street to Spring Garden Street	R3/16/1936	
Race Street	Renaming	The portion extending southeastwardly from the southeast side of Butler Avenue a distance of 152.63 feet as measured along the centerline of Park Avenue.	435	11/10/1958

Name	Activity	Location	Ord./Res.	Date
Race Street	Defining	From the northeast side of Lindenwold Avenue northeastward and southeastward to the northwest side of Butler Avenue in the First Ward.	424	7/8/1957
Race Street	Laying	From the centerline of School Street southwestwardly to the centerline of Spring Garden Street.	324	7/29/1946
Race Street	Defining and Establishing	From the northeasterly side of Lindenwold Avenue southwesterly to the centerline of School Street in the First Ward	310	10/11/1943
Race Street	Directing	Owners of real estate on the north side of Race Street from Main to Spring Garden Streets to erect curbstones and lay a sidewalk along the front of their respective properties.	15	3/10/1890
Race Street	Renaming	Portion extending southeastwardly from the southeast side of Butler Avenue a distance of 152.63 feet as measured along the centerline of Race Street.	542	2/12/1968
Reiff's Mill Road	Directing	To lay sidewalks, construct gutters and lay or construct curbs along the front of their respective properties from North Main Street to Tennis Avenue.	145	5/7/1912
Ridge Avenue	Directing	Owners of real estate on either side of Ridge Avenue from Race Street to Butler Avenue to lay sidewalks along the front of their respective properties.	100	5/4/1903
Ridge Avenue	Grading		16	3/10/1890
Ridge Avenue	Opening	From Belmont Avenue to Tennis Avenue	111	3/13/1905
Ridge Avenue	Grading	Amending Ord. 16	28	5/12/1890
Ridge Avenue	Vacating	From a point 35.5 feet southeast of a stone on said avenue, the dividing line of lands of George K. Knight and Charles M. Shoemaker to Orange Avenue.	82	9/3/1901

Name	Activity	Location	Ord./Res.	Date
Ridge Avenue	Laying	Concrete gutters and sidewalks and erecting curbs on both sides of Ridge Avenue from its intersection with Mattison Avenue to the southerly side of Tennis Avenue in the Second and First Wards.	189	7/15/1924
Ridge Avenue	Directing	Owner of real estate on either side of Ridge Avenue from Belmont Avenue to Race Street to lay sidewalks and gutters along the fronts of their respective properties.	52	2/2/1897
Ridge Avenue	Directing	Owners of real estate on either side of Ridge Avenue from Belmont Avenue to Butler Pike to erect curbstones and lay sidewalks along the fronts of their respective properties.	11	9/23/1889
Ridge Avenue	Opening	From Reiff's Mill Road to Mt. Pleasant Avenue.	182	8/8/1923
Ridge Avenue	Authorizing	Building of an arch.	18	1890
Rieff's Mill Road	Vacating	From Main Street to Butler Avenue.	92	5/6/1902
Rosemary Avenue	Opening	From Ridge Avenue to Main Street.	79	9/3/1901
Rosemary Avenue	Improving	From Spring Garden Street to Bethlehem Pike	R.3/16/1936	
Rosemary Avenue	Extending	From its present terminus to North Street.	112	9/4/1905
Rosemary Avenue	Laying	Concrete gutters and sidewalks and erecting curbs on both sides of Rosemary Avenue from South Spring Garden Street to the Borough line in the Second and Third Wards.	192	7/15/1924
South Spring Garden Street	Directing	Owners of real estate on either side of South Spring Garden Street to the Chestnut Hill and Springhouse Turnpike to lay sidewalks along the front of their respective properties.	137	7/7/1909
South Spring Garden Street	Laying	Concrete gutters and sidewalks and erecting curbs on both sides of South Spring Garden Street from the southerly side of Butler Avenue to the intersection of Spring Garden Street with Rosemary Avenue in the Second Ward.	190	7/15/1924

Name	Activity	Location	Ord./Res.	Date
South Main Street	Laying	Concrete sidewalks and erecting curbs on the east side of South Main Street from Butler Avenue to Orange Avenue and on the west side of South Main Street from Orange Avenue to Bannockburn Avenue in the Second Ward.	204	5/2/1927
South Main Street	Defining	From the centerline of Church Street southeastward to the centerline of Randolph Avenue in the Third Ward.	319	5/14/1945
Spring Garden Street	Opening and Establishing	Between Belmont Avenue and Tennis Avenue in the First Ward.	295	4/8/1940
Spring Garden Street	Laying	Curbs and sidewalks on both sides of Spring Garden Street from the southeast side of Poplar Street to the northwest side of Orange Avenue in the Second Ward.	322	4/8/1946
Spring Garden Street	Grading	Amending Ord. 16	28	5/12/1890
Spring Garden Street	Grading		16	3/10/1890
Spring Garden Street	Laying	Gutters on either side of Spring Garden Street from Butler Avenue to Belmont Avenue.	60	7/10/1897
Spring Garden Street	Opening	From Butler Avenue to Bannockburn Avenue	77	9/3/1901
Spring Garden Street	Defining	From the centerline of Poplar Street to the centerline of Orange Avenue in the Second Ward.	317	3/16/1945
Telford	Grading		25	5/12/1890
Tennis Avenue	Laying	From the westerly side of Bethlehem Turnpike Road to the easterly side of Main Street in the First Ward to lay concrete gutters and sidewalks and erect curbs on either side.	188	6/16/1924

Name	Activity	Location	Ord./Res.	Date
Tennis Avenue	Directing	To lay sidewalks, construct gutters and lay or construct curbs along the fronts of their respective properties from Reiff's Mill Road to the northeasterly line of property of D.W. Hazleton.	146	5/7/1912
Trinity Avenue	Laying	Concrete sidewalks on both sides of Trinity Avenue from Church Street to Ridge Avenue in the Third Ward.	219	8/5/1929
Trinity Avenue	Improving	From Orange Avenue to Lemon Street	R.3/16/1936	
Trinity Avenue	Erecting	Curbs on both sides of Trinity Avenue from Church Street to Ridge Avenue in the Third Ward.	206	5/7/1928
Valley Brook Road	Defining	From the southwest side of the Bethlehem Pike southwest to the centerline of Hendricks Street in the First Ward.	350	2/11/1952
Walnut Street	Directing	Owners of real estate on either side of Walnut Street to erect curb stones and lay a sidewalk along the front of their respective properties.	6	5/13/1889
Walnut Street	Laying	Gutters	26	5/12/1890
Walnut Lane	Locating and Establishing	Sidewalks, curb and street grades thereon and providing for the laying of curbs and sidewalks on both sides of Walnut Lane from the centerline of School Street northeastward and northwestward to the centerline of Forest Avenue in the First Ward.	293	1/8/1940
West Race Street	Defining	From the southwesterly side of Main Street to a point in line of land of the Reading Company and on the northeasterly side of a certain 16 1/2 feet right-of-way leading from Butler Avenue to property of J.W. Craft, Jr., et ux., in the first ward	341	12/12/1949
Wissahickon Avenue	Laying	Stone or brick gutters and sidewalks and erecting curbstones on either side of Wissahickon Avenue from the southwest side of Maple Street to the northeast side of Locust Street.	57	6/8/1897
Woodland Avenue	Improving	From North Street to Bethlehem Pike	R.3/16/1936	

Name	Activity	Location	Ord./Res.	Date
York Street	Erecting	Curbs on both sides of York Street from Butler Avenue to Polar Street in the Second Ward.	211	3/4/1929
York Street	Laying	Sidewalks on both sides of York Street from Butler Avenue to Poplar Street in the Second Ward.	217	8/5/1929

APPENDIX I

WATER

Ord./Res.	Date	Description

APPENDIX J

ZONING; PRIOR ORDINANCES

Ord./Res.	Date	Description
294		Repealed by 522
312		Repealed by 522
320		Repealed by 522
337		Repealed by 522
348		Repealed by 522
349		Repealed by 449
372		Repealed by 522
373		Repealed by 522
384		Repealed by 522
386		Repealed by 522
390		Repealed by 522
426		Repealed by 522
430		Repealed by 522
432		Repealed by 449
436		Repealed by 522
443		Repealed by 449
448		Repealed by 522
449		Repealed by 522
453		Repealed by 522
455		Repealed by 522
457		Repealed by 522
459		Repealed by 522
465		Repealed by 522
469		Repealed by 522
473		Repealed by 522
474		Repealed by 522
482		Repealed by 522
502		Repealed by 522

Ord./Res.	Date	Description
522		Repealed by 678
584		Repealed by 678
602		Repealed by 678
609		Repealed by 678
642		Repealed by 678
678		Repealed by 922
683		Repealed by 922
715		Superseded b 922
724		Superseded by 922
756		Superseded by 922
771		Superseded by 922
783		Repealed by 922
789		Repealed by 922
810		Superseded by 922
819		Repealed by 922
886		Repealed by 922
890B		Superseded by 922
891B		Repealed by 922
897		Repealed by 922
910		Repealed by 922
683	11/21/1977	Changing the zoning classification of a certain tract of land in the Borough of Ambler known as the Ambler Junior High School property from R-1 1/2 – Planned Single-Family Residential Development District to MR – Mixed Dwelling Residential District.
724	4/21/1980	Changing the zoning classification of a certain tract of land in the Borough of Ambler located between N. Main Street on the west, Race Street on the south, Forest Avenue on the north and an unnamed alley on the east from R-3 Residential District to C- Commercial.
789	6/18/1984	Changing the zoning classification of 2.44 acres of land in the Second Ward of the Borough of Ambler on the northwesterly side of Mt. Pleasant Avenue, northeast of the northeasterly side of Spring Garden Street, having 400 foot frontage on Mt. Pleasant Avenue from GA – Garden Apartment District to R-1 Residential District.

Ord./Res.	Date	Description
886	1/20/1992	Repealed by Ord. 922
890B	9/1/1992	Repealed by Ord. 922
891	12/21/1992	Repealed by Ord. 922
897	3/31/1993	Repealed by Ord. 922
910	12/19/1994	Repealed by Ord. 922

FEE SCHEDULE

The current fees for the filing of applications, permits and licenses for the Borough of Ambler are on file in the office of the Borough Secretary or available on the Borough website.

Borough of Ambler

KEY TO THE DISPOSITION OF ALL ORDINANCES

Ord. No.	Date	Disposition	Subject
1	4/22/1889	Appendix H	Streets and Sidewalks
2	4/22/1889	Appendix H	Streets and Sidewalks
3	4/22/1889	Appendix H	Streets and Sidewalks
4	4/22/1889	Appendix H	Streets and Sidewalks
5		Repealed by 392	
6	5/13/1889	Appendix H	Streets and Sidewalks
7	5/13/1889	Appendix H	Streets and Sidewalks
8	9/9/1889	Appendix H	Streets and Sidewalks
9	9/9/1889	Appendix H	Streets and Sidewalks
10	9/23/1889	Appendix H	Streets and Sidewalks
11	9/23/1889	Appendix H	Streets and Sidewalks
12	9/23/1889	Appendix D	Governmental and Intergovernmental Affairs
13		Repealed by 392	
14		Repealed by 392	
15	3/10/1890	Appendix H	Streets and Sidewalks
16	3/10/1890	Appendix H	Streets and Sidewalks
17	3/10/1890	Appendix H	Streets and Sidewalks
18	-/-/1890	Appendix H	Streets and Sidewalks
19	3/17/1890	Appendix H	Streets and Sidewalks
20	3/17/1890	Appendix H	Streets and Sidewalks
21	4/14/1890	Appendix H	Streets and Sidewalks
22	4/14/1890	Appendix H	Streets and Sidewalks
23		Repealed by 392	
24		Repealed by 392	
25	5/12/1890	Appendix H	Streets and Sidewalks
26	5/12/1890	Appendix H	Streets and Sidewalks
27	5/12/1890	Appendix H	Streets and Sidewalks
28	5/12/1890	Appendix H	Streets and Sidewalks

Ord. No.	Date	Disposition	Subject
29	5/12/1890	Appendix H	Streets and Sidewalks
30	11/20/1890	Appendix H	Streets and Sidewalks
31		Repealed by 392	
32	4/13/1891	Appendix H	Streets and Sidewalks
33	4/17/1893	Appendix H	Streets and Sidewalks
34		Repealed by 392	
35		Repealed by 392	
36		Repealed by 392	
37		Repealed by 392	
38		Repealed by 62	
39		Repealed by 415	
40		Repealed by 392	
41	10/1/1894	Appendix B	Bond Issues and Loans
42	10/31/1894	Appendix B	Bond Issues and Loans
43		Repealed by 234	
44		Repealed by 62	
45		Repealed by 392	
46		Repealed by 392	
47		Repealed by 415	
48	5/5/1896	Appendix H	Streets and Sidewalks
49	5/5/1896	Appendix H	Streets and Sidewalks
50		Repealed by 103	
51		Repealed by 154, 170, 197	Code Enforcement
52	2/2/1897	Appendix H	Streets and Sidewalks
53	4/6/1897	Appendix B	Bond Issues and Loans
54	6/8/1897	Appendix H	Streets and Sidewalks
55	6/8/1897	Appendix H	Streets and Sidewalks
56	6/8/1897	Appendix H	Streets and Sidewalks
57	6/8/1897	Appendix H	Streets and Sidewalks
58	6/8/1897	Appendix H	Streets and Sidewalks
59	6/14/1897	Appendix B	Bond Issues and Loans

Ord. No.	Date	Disposition	Subject
60	7/10/1897	Appendix H	Streets and Sidewalks
61		Repealed by 234	Sewers and Sewage Disposal
62		Repealed by 63	
63		Repealer	
64		Appendix B	Bond Issues and Loans
65		Repealed by 160	Streets and Sidewalks
66		Repealed by 392	
67		Repealed by 419	
68		Repealed by 392	
69		Repealed by 785	
70		Repealed by 392	
71		Repealed by 785	
72		Repealed by 94	
73	6/4/1901	Appendix B	Bond Issues and Loans
74		Vetoed	
75		Vetoed	
76		Repealed by 392	
77	9/3/1901	Appendix H	Streets and Sidewalks
78	9/3/1901	Appendix H	Streets and Sidewalks
79	9/3/1901	Appendix H	Streets and Sidewalks
80	9/3/1901	Appendix H	Streets and Sidewalks
81	9/3/1901	Appendix H	Streets and Sidewalks
82	9/3/1901	Appendix H	Streets and Sidewalks
83	9/3/1901	Appendix H	Streets and Sidewalks
84		Tax Rate	1901
85	9/3/1901	Appendix H	Streets and Sidewalks
86		Repealed by 392	
87		Repealed by 392	
88	3/5/1902	Appendix H	Streets and Sidewalks
89	3/5/1902	Appendix H	Streets and Sidewalks
90	3/15/1902	Appendix C	Franchises and Services
91	4/8/1902	Appendix B	Bond Issues and Loans

Ord. No.	Date	Disposition	Subject
92	5/6/1902	Appendix H	Streets and Sidewalks
93	5/6/1902	Appendix H	Streets and Sidewalks
94		Repealer	
95		Repealed by 392	
96		Tax Rate	1902
97		Vetoed	
98		Vetoed	
99	10/27/1902	Appendix C	Franchises and Services
100	5/4/1903	Appendix H	Streets and Sidewalks
101	5/4/1903	Appendix H	Streets and Sidewalks
102		Repealed by 607	
103		Repealed by 108, 154, 170, 197	
104		Repealed by 607	
105		Repealed by 392	
106		Tax Rate	1903
107	12/9/1903	Appendix H	Streets and Sidewalks
108		Repealed by 154, 170, 197	Code Enforcement
109	4/6/1904	Appendix B	Bond Issues and Loans
110	7/12/1904	Appendix H	Streets and Sidewalks
111	3/13/1905	Appendix H	Streets and Sidewalks
112	9/4/1905	Appendix H	Streets and Sidewalks
113	9/4/1904	Appendix H	Streets and Sidewalks
114		Tax Rate	1905
115		Repealed by 392	
116		Did not pass	
117		Did not pass	
118		Did not pass	
119		Did not pass	
120		Did not pass	
121	4/3/1906	Appendix B	Bond Issues and Loans

Ord. No.	Date	Disposition	Subject
122	7/13/1906	Appendix C	Franchises and Services
123		Tax Rate	1906
124		Repealed by 392	
125		Repealed by 392	
126		Repealed by 785	
127		Repealed by 392	
128		Repealed by 392	
129		Repealed by 410	
130	6/12/1907	Appendix B	Bond Issues and Loans
131		Tax Rate	1907
132	8/6/1907	Appendix B	Bond Issues and Loans
133		Repealed by 392	
134		Tax Rate	1908
135		Repealed by 392	
136	7/7/1909	Appendix H	Streets and Sidewalks
137	7/7/1909	Appendix H	Streets and Sidewalks
138		Tax Rate	1909
139	9/15/1909	Appendix H	Streets and Sidewalks
140	10/4/1909	Appendix H	Streets and Sidewalks
141		Tax Rate	1910
142		Repealed by 392	
143		Tax Rate	1911
144		Repealed by 392	
145	5/7/1912	Appendix H	Streets and Sidewalks
146	5/7/1912	Appendix H	Streets and Sidewalks
147		Tax Rate	1912
148	7/-/1912	Appendix H	Streets and Sidewalks
149		Tax Rate	1913
150		Repealed by 392	
151		Repealed by 392	
152		Tax Rate	1914
153		Tax Rate	1915

Ord. No.	Date	Disposition	Subject
154		Repealed by 170, 197	Code Enforcement
155	1/4/1916	Appendix B	Bond Issues and Loans
156	1/8/1916	Appendix B	Bond Issues and Loans
157	3/8/1916	Appendix B	Bond Issues and Loans
158		Repealed by 194	
159	3/21/1916	Appendix H	Streets and Sidewalks
160	4/10/1916	Appendix H	Streets and Sidewalks
161		Tax Rate	1916
162		Tax Rate	1917
163	3/12/1918	Appendix C	Franchises and Services
164	3/12/1918	Appendix C	Franchises and Services
165		Tax Rate	1918
166		Repealer	
167		Repealed by 415	
168		Repealed by 415	
169		Tax Rate	1919
170		Repealed by 197	Code Enforcement
171		Repealed by 392	
172		Repealed by 392	
173		Tax Rate	1920
174		Repealed by 392	
175		Tax Rate	1921
176		Tax Rate	1921
177		Tax Rate	1922
178		Repealed by 392	
179	4/11/1923	Appendix H	Streets and Sidewalks
180		Tax Rate	1923
181	5/9/1923	Appendix B	Bond Issues and Loans
182	8/8/1923	Appendix H	Streets and Sidewalks
183	3/3/1924	Appendix B	Bond Issues and Loans
184	3/3/1924	Appendix B	Bond Issues and Loans

Ord. No.	Date	Disposition	Subject
185	5/13/1924	Appendix B	Bond Issues and Loans
186		Tax Rate	1924
187		Repealed by 691	Streets and Sidewalks
188	6/16/1924	Appendix H	Streets and Sidewalks
189	7/15/1924	Appendix H	Streets and Sidewalks
190	7/15/1924	Appendix H	Streets and Sidewalks
191	7/15/1924	Appendix H	Streets and Sidewalks
192	7/15/1924	Appendix H	Streets and Sidewalks
193	9/12/1924	Appendix H	Streets and Sidewalks
194		Repealer	
195		Tax Rate	1925
196	9/15/1925	Appendix C	Franchises and Services
197		Repealed by 422, 535	Code Enforcement
198		Repealed by 415	
199	5/3/1926	Appendix H	Streets and Sidewalks
200		Tax Rate	1926
201		Repealed by 392	
202		Repealed by 392	
203		Tax Rate	1927
204	5/2/1927	Appendix H	Streets and Sidewalks
205		Tax Rate	1928
206	5/7/1928	Appendix H	Streets and Sidewalks
207		Repealed by 415	
208		Repealed by 412	Conduct
209	6/4/1928	Appendix H	Streets and Sidewalks
210	7/2/1928	§§21-101 21-102	Streets and Sidewalks
211	3/4/1929	Appendix H	Streets and Sidewalks
212	3/4/1929	Appendix H	Streets and Sidewalks
213		Tax Rate	1929
214	6/3/1929	§§4-101-4-102	Buildings
215	7/1/1929	§§25-101-25-104	Trees

Ord. No.	Date	Disposition	Subject
216		Repealed by 392	
217	8/5/1929	Appendix H	Streets and Sidewalks
218	8/5/1929	Appendix H	Streets and Sidewalks
219	8/5/1929	Appendix H	Streets and Sidewalks
220		Repealed by 415	
221	8/5/1929	Appendix H	Streets and Sidewalks
222	8/5/1929	Appendix H	Streets and Sidewalks
223		Repealed by 392	
224	11/12/1929	Appendix H	Streets and Sidewalks
225		Repealed by 392	
226		Repealed by 785	
227		Repealed by 415	
228		Tax Rate	1930
229		Repealed by 235	
230	6//2/1930	Appendix H	Streets and Sidewalks
231		Tax Rate	1931
232		Repealed by 415	
233	4/6/1931	Appendix H	Streets and Sidewalks
234		Repealed by 392	
235		Repealer	
236	11/18/1931	Appendix H	Streets and Sidewalks
237		Repealed by 392	
238		Tax Rate	1932
239		Repealed by 392	
240		Repealed by 392	
241	1/31/1933	Superseded by 832	Licenses, Permits and General Business Regulations
242		Tax Rate	1933
243	11/21/1933	Appendix B	Bond Issues and Loans
244	3/12/1934	Appendix H	Streets and Sidewalks
245		Tax Rate	1934
246		Repealed by 392	

Ord. No.	Date	Disposition	Subject
247	11/6/1934	Appendix G	Sewers
248	11/20/1934	Appendix B	Bond Issues and Loans
249	12/3/1934	Appendix G	Sewers
250		Tax Rate	1935
251	8/11/1935	Appendix D	Governmental and Intergovernmental Affairs
252	8/13/1935	Appendix B	Bond Issues and Loans
253	9/24/1935	Appendix B	Bond Issues and Loans
254	12/11/1935	Appendix B	Bond Issues and Loans
255	2/10/1936	Appendix G	Sewers
256		Repealed by 392	
257	5/4/1936	Appendix H	Streets and Sidewalks
258	5/4/1936	Appendix H	Streets and Sidewalks
259		Tax Rate	1936
260		Repealed by 415	
261		Repealed by 392	
262		Repealed by 392, 592	Code Enforcement
263		Repealed by 785	
264	8/3/1936	§§18-211-18-214	Sewers and Sewage Disposal
265	8/3/1936	§§18-101-18-106	Sewers and Sewage Disposal
266	8/3/1936	Appendix G	Sewers
267	2/1/1937	Appendix C	Franchises and Services
268		Repealed by 392	
269	4/5/1937	Appendix H	Streets and Sidewalks
270		Repealed by 725	Code Enforcement
271	5/4/1937	Appendix H	Streets and Sidewalks
272	5/3/1937	Appendix H	Streets and Sidewalks
273		Repealed by 415	
274		Repealed by 691	Streets and Sidewalks
275		Tax Rate	1937
276	10/5/1937	Appendix H	Streets and Sidewalks

Ord. No.	Date	Disposition	Subject
277	10/5/1937	Appendix B	Bond Issues and Loans
278		Repealed by 730	Administration and Government
279	11/3/1937	Appendix H	Streets and Sidewalks
280	11/3/1937	§§18-221-18-227	Sewers and Sewage Disposal
281	2/21/1938	Superseded by 832	Licenses, Permits and General Business Regulations
281-1/2		Tax Rate	1938
282		Repealed by 392	
283		Repealed by 392	
284		Repealed by 415	
285	10/31/1938	Appendix B	Bond Issues and Loans
286		Repealed by 415	
287		Tax Rate	1939
288	6/12/1939	Appendix H	Streets and Sidewalks
289	8/14/1939	§§21-202, 21-209-21-211	Streets and Sidewalks
290		Repealed by 415	
291	10/16/1939	Appendix H	Streets and Sidewalks
292		Repealed by 392	
293	1/8/1940	Appendix H	Streets and Sidewalks
294		Repealed by 522	Zoning
295	4/8/1940	Appendix H	Streets and Sidewalks
296		Tax Rate	1940
297	5/17/1940	§§13-201-13-203	Licenses, Permits and General Business Regulations
298	1/17/1941	Appendix H	Streets and Sidewalks
299		Tax Rate	1941
300		Repealed by 415	
301		Repealed by 414	Health and Safety
302		Repealed by 392	
303		Missing	Buildings
304	3/12/1942	§§24-101-24-103	Taxation, Special
305		Tax Rate	1942

Ord. No.	Date	Disposition	Subject
306		Repealed by 415	
307		Tax Rate	1943
308	4/12/1943	Appendix A	Annexation of Territory
309	6/14/1943	§§13-101 – 13-107	Licenses, Permits and General Business Regulations
310	10/11/1943	Appendix H	Streets and Sidewalks
311	10/11/1943	Appendix H	Streets and Sidewalks
312		Repealed by 522	Zoning
313	9/13/1943	Appendix G	Sewers
314		Tax Rate	1944
315		Superseded by 509	Streets and Sidewalks
316		Tax Rate	1945
317	3/16/1945	Appendix H	Streets and Sidewalks
318	5/14/1945	Appendix H	Streets and Sidewalks
319	5/14/1945	Appendix H	Streets and Sidewalks
320		Repealed by 522	Zoning
321		Repealed by 415	
322	4/8/1946	Appendix H	Streets and Sidewalks
323		Tax Rate	1946
324	7/29/1946	Appendix H	Streets and Sidewalks
325		Repealed by 694	
326		Repealed by 415	
327	3/10/1947	Appendix H	Streets and Sidewalks
328		Tax Rate	1947
329		Repealed by 392	
330		Repealed by 415	
331	9/3/1947	Appendix H	Streets and Sidewalks
332	11/10/1947	§16-213	Sewers and Sewage Disposal
333		Expired	
334		Tax Rate	1948
335	5//10/1948	Appendix H	Streets and Sidewalks
336		Repealed by 392	

Ord. No.	Date	Disposition	Subject
337		Repealed by 522	Zoning
338		Tax Rate	1949
339		Repealer	
340	7/11/1949	§21-102	Streets and Sidewalks
341	12/12/1949	Appendix H	Streets and Sidewalks
342		Expired	
343		Repealed by 422	Code Enforcement
344		Tax Rate	1950
345		Repealed by 392	
346		Tax Rate	1951
347	5/14/1951	Superseded by 829	Taxation, Special
348		Repealed by 522	Zoning
349		Repealed by 449	Zoning
349-A	2/11/1952	Appendix H	Streets and Sidewalks
350	2/11/1952	Appendix H	Streets and Sidewalks
351	2/11/1952	Appendix H	Streets and Sidewalks
352	2/11/1952	Appendix H	Streets and Sidewalks
353		Tax Rate	1952
354		Not recorded	
355	9/14/1952	Appendix D	Governmental and Intergovernmental Affairs
355-A		Tax Rate	1953
356	8//10/1953	Appendix H	Streets and Sidewalks
357		Repealed by 392	
358		Repealed by 562	
359		Reenacted by 347	Taxation, Special
360		Expired	
361		Tax Rate	1954
362		Repealed by 592	Code Enforcement
363	3/9/1954	§21-102	Streets and Sidewalks
364	6/14/1954	Appendix B	Bond Issues and Loans
365		Repealed by 691	Streets and Sidewalks

Ord. No.	Date	Disposition	Subject
366		Repealed by 755	Subdivision and Land Development
367		Repealed by 785	
368	12/13/1954	Appendix G	Sewers
369		Reenacted by 347	Taxation, Special
370		Expired	
371		Expired	
372		Repealed by 522	Zoning
373		Repealed by 522	Zoning
374		Tax Rate	1955
375		Repealed by 694	
376	10/10/1955	§§25-105-25-107	Trees
377		Expired	
378		Expired	
379		Reenacted by 347	Taxation, Special
380	1/9/1956	Repealed by A.O.	
381		Tax Rate	1956
382		Repealed by 733	Sewers and Sewage Disposal
383		Repealed by 701	Sewers and Sewage Disposal
384		Repealed by 522	Zoning
385		Repealed by 725	Code Enforcement
386		Repealed by 522	Zoning
387		Reenacted by 347	Taxation, Special
388		Expired	
389		Tax Rate	1957
390		Repealed by 522	Zoning
391	1/14/1957	Repealed by A.O.	
392		Repealer	
393		Repealed by 785	
394		Repealed by 607	
395		Repealed by 691	Streets and Sidewalks
396	3/11/1957	§4-102	Buildings
397	3/11/1957	§§25-102-25-104	Trees

Ord. No.	Date	Disposition	Subject
398	3/11/195	Superseded by 832	Licenses, Permits and General Business Regulations
399	3/11/1957	§§18-211-18-214	Sewers and Sewage Disposal
400	3/11/1957	§16-106	Sewers and Sewage Disposal
401		Repealed by 725	Code Enforcement
402		Repealed by 691	Streets and Sidewalks
403	3/11/1957	§21-211	Streets and Sidewalks
404		Superseded by 509	Streets and Sidewalks
405		Repealed by 694	
406		Expired	
407		Repealed by 592	Code Enforcement
408	3/11/1957	§25-406	Trees
409		Repealed by 607	
410		Repealed by 785	
411		Repealed by 629	Bicycles
412		Repealed by 605	Conduct
413	3/11/1957	§7-201	Fire Prevention and Fire Protection
414	3/11/1957	§§10-101-10-104	Health and Safety
415		Repealed by 785	
416		Repealed by 701	Sewers and Sewage Disposal
417	3.11.1957	§§21-401-21-402, 21-404	Streets and Sidewalks
418	3/11/1957	§§21-403-21-404	Streets and Sidewalks
419		Superseded by 778	Streets and Sidewalks
420		Superseded by A.O.	Motor Vehicles and Traffic
421		Repealed by 785	
422		Repealed by 535	Code Enforcement
423		Repealed by 605	Conduct
424	7/8/1957	Appendix H	Streets and Sidewalks
425	9/9/1957	Appendix G	Sewers
426		Repealed by 522	Zoning
427		Expired	

Ord. No.	Date	Disposition	Subject
428		Reenacted by 347	Taxation, Special
429		Repealed by 708	Administration and Government
430		Repealed by 522	Zoning
431		Tax Rate	1958
432		Repealed by 449	Zoning
433	3/10/1958	Appendix B	Bond Issues and Loans
434		Repealed by 785	
435	11/10/1958	Appendix H	Streets and Sidewalks
436		Repealed by 522	Zoning
437		Reenacted by 347	Taxation, Special
438		Expired	
439		Repealed by 592	Code Enforcement
440		Repealed by 733	Sewers and Sewage Disposal
441		Repealed by 495	
442		Repealed by 496	
443		Repealed by 449	Zoning
444	291959	Appendix B	Bond Issues and Loans
445	7/13/1959	§§2-301 – 2-304	Animals
446		Repealed by 708	Administration and Government
447		Tax Rate	1959
448		Repealed by 522	Zoning
449		Repealed by 522	Zoning
450		Expired	
451		Reenacted by 347	Taxation, Special
452		Tax Rate	1960
453		Repealed by 522	Zoning
454		Repealed by 592	Code Enforcement
455		Repealed by 522	Zoning
456		Repealed by 708	Administration and Government
457		Repealed by 522	Zoning
458	8/8/1960	§§7-101 – 7-103	Fire Prevention and Fire Protection
459		Repealed by 522	Zoning

Ord. No.	Date	Disposition	Subject
460 §§3, 4	9/21/1960	§§14-101 – 14-104 Repealed by 967	Mobile Homes and Mobile Home Parks
461		Repealed by 733	Sewers and Sewage Disposal
462	11/4/1960	§§1-311 – 1-313	Administration and Government
463		Reenacted by 347	Taxation, Special
464		Expired	
465		Repealed by 522	Zoning
466		Repealed by 535	Code Enforcement
467	12/12/1960	§§1-411 – 1-426	Administration and Government
468	1/9/1961	§1-412	Administration and Government
469		Repealed by 522	Zoning
470		Tax Rate	1961
471	8/14/1961	Repealed by A.O.	Animals
472		Repealed by 763	
473		Repealed by 522	Zoning
474		Repealed by 522	Zoning
475	11/13/1961	Appendix H	Streets and Sidewalks
476		Reenacted by 347	Taxation, Special
477		Expired	
478		Repealed by 607	
479	12/11/1961	§5-211	Code Enforcement
480	1/8/1962	Appendix B	Bond Issues and Loans
481		Tax Rate	1962
482		Repealed by 522	Zoning
483	5/14/1962	Superseded by 857	Solid Waste
484		Repealed by 708	Administration and Government
485	5/14/1962	§426	Administration and Government
486		Repealed by 785	
487		Superseded by 590	Code Enforcement
488	9/10/1962	§§26-301 – 26-303	Water
489		Repealed by 701	Sewers and Sewage Disposal
490		Repealed by 785	

Ord. No.	Date	Disposition	Subject
491	10/8/1962	Superseded by 832	Licenses, Permits and General Business Regulations
492		Reenacted by 347	Taxation, Special
493		Expired	
494	11/12/1962	Repealed by A.O.	
495		Repealer	
496		Repealer	
497		Repealed by 592	Code Enforcement
498	5/13/1963	§§13-111 – 13-119	Licenses, Permits and General Business Regulations
499		Tax Rate	1963
500	5/13/1963	Repealed by A.O.	Licenses, Permits and General Business Regulations
501		Repealed by 733	Sewers and Sewage Disposal
502		Repealed by 522	Zoning
503		Expired	
504	11/11/1963	§1-201	Administration and Government
505		Reenacted by 347	Taxation, Special
506	11/11/1963	§18-215	Sewers and Sewage Disposal
507	2/10/1964	Superseded by 832	Licenses, Permits and General Business Regulations
508		Tax Rate	1964
509	4/13/1964	§§21-201 -21-208	Streets and Sidewalks
510	5/11/1964	§§1-301-1-307	Administration and Government
511		Expired	
512		Reenacted by 347	Taxation, Special
513		Tax Rate	1965
514		Superseded by 554	Administration and Government
515		Repealed by 691	Streets and Sidewalks
516	7/12/1965	Superseded by 832	Licenses, Permits and General Business Regulations
517	10/11/1965	§§10-201-10-203	Health and Safety
518		Repealed by 592	Code Enforcement

Ord. No.	Date	Disposition	Subject
519		Reenacted by 347	Taxation, Special
520		Expired	
521		Tax Rate	1966
522		Repealed by 678	Zoning
523	4/11/1966	§10-201	Health and Safety
§2		Repealed by A.O.	
524		Repealed by 733	Sewers and Sewage Disposal
525		Repealed by 708	Administration and Government
526		Repealed by 763	
527		Reenacted by 347	Taxation, Special
528		Expired	
529		Repealed by 694	
530		Repealed by 592	Code Enforcement
531	12/12/1966	Appendix H	Streets and Sidewalks
532		Repealed by 733	Sewers and Sewage Disposal
534		Superseded by 895	Subdivision and Land Development
535		Repealed by 725	Code Enforcement
536		Repealed by 785	
537		Repealed by 708	Administration and Government
538		Expired	
539		Reenacted by 347	Taxation, Special
540		Repealed by 694	
541		Tax Rate	1968
542	2/12/1968	Appendix H	Streets and Sidewalks
543		Repealed by 785	
544	3/11/1968	Repealed by 878	Code Enforcement
545	3/27/1968	Superseded by 857	Solid Waste
546		Repealed by 785	
547		Repealed by 785	
548		Repealed by 733	Sewers and Sewage Disposal
549	9/9/1968	Repealed by A.O.	
550	11/11/1968	§§6-201 – 6-207	Conduct

Ord. No.	Date	Disposition	Subject
551		Expired	
552		Reenacted by 347	Taxation, Special
553		Tax Rate	1969
554		Repealed by 599	Administration and Government
555	3/10//1969	§§2-101 – 2-108	Animals
556		Repealed by 763	
557	3/10/1969	§§1-301, 1-302	Administration and Government
558		Repealed by 733	Sewers and Sewage Disposal
559		Superseded by 875	Code Enforcement
560		Reenacted by 347	Taxation, Special
561		Repealed by 558	Taxation, Special
562		Repealer	
563		Repealed by 605	Conduct
564		Tax Rate	1970
565	4/13/1970	Appendix D	Governmental and Intergovernmental Affairs
566	4/13/1970	§1-312	Administration and Government
567	6/15/1970	Appendix B	Bond Issues and Loans
568		Repealed by 607	
569		Repealed by 785	
570		Repealed by 694	
571	10/12/1970	Superseded by 857	Solid Waste
572		Repealed by 708	Administration and Government
573		Repealed by 936	Taxation, Special
574		Reenacted by 561	Taxation, Special
575		Reenacted by 347	Taxation, Special
576	Superseded by 590	Code Enforcement	
577	12/14/1970	Appendix D	Governmental and Intergovernmental Affairs
578		Tax Rate	1971
579		Repealed by 785	
580	10/11/1971	§21-207	Streets and Sidewalks

Ord. No.	Date	Disposition	Subject
581		Repealed by 694	
582		Repealed by 785	
583		Superseded by 655	Water
584		Repealed by 678	Zoning
585		Tax Rate	1972
586	1/10/1972	§1-414	Administration and Government
587		Budget	1972
588		Repealed by 785	
589		Repealed by 656	Code Enforcement
590		Repealed by 754	Code Enforcement
591		Repealed by 875	Code Enforcement
592	3.13.1972	Repealed by 875	Code Enforcement
593	7/10/1972	§§2-203, 2-204	Animals
594		Repealed by 629	Bicycles
595	12/11/1972	Repealed by 959	Administration and Government
596	12/11/1972	Repealed by 607	
597	12/11/1972	Reenacted by 347	Taxation, Special
598	12/11/1972	Reenacted by 561	Taxation, Special
599	12/11/1972	Repealed by 654	Administration and Government
600	12/28/1972	Tax Rate	1973
601		Budget	1973
602	1/8/1973	Repealed by 678	Zoning
603	2/12/1973	§§5-421 – 5-435	Code Enforcement
604	10/8/1973	§18-213	Sewers and Sewage Disposal
605	10/8/1973	Superseded by A.O.	Conduct
606	10/8/1973	§§14-101 – 14-106	Mobile Homes and Mobile Home Parks
607	10/8/1973	Repealer	
608	10/8/1973	Repealed by 785	
609	11/14/1973	Repealed by 678	Zoning
610	11/12/1973	§§13-113, 13-114	License, Permits and General Business Regulations

Ord. No.	Date	Disposition	Subject
611	11/12/1973	§§2-301 – 24-306	Animals
612	11/12/1973	Superseded by 857	Solid Waste
613	11/12/1973	Repealed by 708	Administration and Government
614	11/112/1973	§1-419	Administration and Government
615	11/12/1973	Reenacted by 347	Taxation, Special
616	11/12/1973	Repealed by 785	
617	12/10/1973	Repealed by 936	Taxation, Special
618	12/10/1973	Reenacted by 561	Taxation, Special
619	12/10/1973	Tax Rate	1974
620		Budget	1974
621	2/11/1974	§1-415	Administration and Government
622	2/11/1974	Repealed by 785	
623	2/11/1974	Repealed by 694	
624	2/11/1974	Repealed by 785	
625	3/11/1974	Repealed by 936	Taxation, Special
626	5/13/1974	Repealed by 785	
627	5/13/1974	Repealed by 694	
628	7/8/1974	Repealed by 785	
629	7/8/1974	§§3-101 – 3-109	Bicycles
630	7/8/1974	§2-303	Animals
631	7/8/1974	§13-114	Licenses, Permits and General Business Regulations
632	8/12/1974	Repealed by 785	
633	8/12/1974	Repealed by 1034	Parks and Recreation
634	12/9/1974	Repealed by 733	Sewers and Sewage Disposal
635		Budget	1975
636	12/30/1974	Tax Rate	1975
637	2/10/1975	Repealed by A.O.	Per Capita Tax
638	4/14/1975	Repealed by 754	Code Enforcement
639	4/14/1975	Repealed by 701	Sewers and Sewage Disposal
640	6/9/1975	Repealed by 785	
641	5/12/1975	Repealed by 785	

Ord. No.	Date	Disposition	Subject
642	5/12/1975	Repealed by 678	Zoning
643	5/12/1975	§§24-205-24-211	Taxation, Special
644	7/14/1975	Repealed by 785	
645	8/11/1975	Repealed by A.O.	Per Capita Tax
646	11/10/1975	Repealed by 785	
647	11/10/1975	Repealed by 785	
648	12/8/1975	Repealed by 733	Sewers and Sewage Disposal
649		Budget	1976
650	2/16/1976	Tax Rate	1976
651	2/16/1976	§10-104	Health and Safety
652	2/16/1976	§§11-101-11-105	Housing
653	2/16/1976	Repealed by 708	Administration and Government
654	1/17/1977	§1-102	Administration and Government
655	6/21/1976	Superseded by 659	Water
656	8/16/1976	Repealed by 879	Code Enforcement
657	8/23/1976	Repealed by 785	
658	8/16/1976	Repealed by 785	
659		Superseded by 665	Water
660	12/20/1976	Repealed by 785	
661	12/20/1976	Superseded by 857	Solid Waste
662	4/18/1977	§21-206	Streets and Sidewalks
663		Budget	1977
664	12//20/1976	Tax Rate	1977
665	12/20/1976	Superseded by 690	Water
666	2/21/1977	Repealed by 725	Code Enforcement
667	4/18/1977	Superseded by 929	Streets and Sidewalks
668	5/16/1977	§10-104	Health and Safety
669	6/2/1977	Appendix B	Bond Issues and Loans
670	6/20/1977	Repealed by 785	
671	8/15/1977	Repealed by 1034	Parks and Recreation
672	6/2/1977	Appendix B	Bond Issues and Loans
673	6/20/1977	Repealed by 785	

Ord. No.	Date	Disposition	Subject
674	7/18/1977	Repealed by 733	Sewers and Sewage Disposal
675	8/15/1977	§§13-401 – 13-410	Licenses, Permits and General Business Regulations
676	8/15/1977	Repealed by 785	
677	9/11/1977	§21-207	Streets and Sidewalks
678	9/19/1977	Superseded by 922 Appendix J	Zoning
			Zoning; Prior Ordinances
679	9/19/1977	Superseded by 857	Solid Waste
680	10/17/1977	§§1-311 – 1-313	Administration and Government
681	12/19/1977	Repealed by 733	Sewers and Sewage Disposal
682	11/1/1977	Superseded by 922	Floodplains
683	11/21/1977	Repealed by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
684	1/9/1978	Repealed by 785	
685		Budget	1978
686	12/29/1977	Tax Rate	1978
687	-/-/1978	Repealed by 785	
688	3/13/1978	Repealed by 1034	Parks and Recreation
689	3/13/1978	§§7-301 – 7-304	Fire Prevention and Fire Protection
690	3/13/1978	Superseded by 713	Water
691	5/8/1978	Repealed by 995	Curbs and Sidewalks
692	5/8/1978	Repealed by 1034	Parks and Recreation
693	7/17/1978	Repealed by 785	
694	7/17/1978	Repealed by 785	
695	-/-/1978	Repealed by 785	
696	9/18/1978	Appendix C	Franchises and Services
697	10/9/1978	Appendix B	Bond Issues and Loans
698	11/9/1978	Appendix B	Bond Issues and Loans
699	11/9/19778	Appendix C	Franchises and Services
700	11/9/1978	Appendix D	Governmental and Intergovernmental Affairs
701	11/9/1978	§§18-201 – 18-207	Sewers and Sewage Disposal

Ord. No.	Date	Disposition	Subject
702	11/20/1978	Repealed by 733	Sewers and Sewage Disposal
703	12/11/1978	Repealed by 785	
704	2/27/1979	Repealed by 785	
705		Budget	1979
706	12/28/1978	Tax Rate	1979
707	1/15/1979	Repealed by A.O.	Per Capita Tax
708	2/27/1979	Repealed by 859	Administration and Government
709	5/21/1979	Superseded by 713	Water
710	5/21/1979	Repealed by 733	Sewers and Sewage Disposal
711	6/18/1979	§§7-303, 7-304	Fire Prevention and Fire Protection
712	8/20/1979	Superseded by 872	Code Enforcement
713	8/20/1979	Superseded by 758	Water
714	10/15/1979	Repealed by 785	
715	12/3/1979	Superseded by 922	Zoning
		Appendix J	Zoning; Prior Ordinances
716		Budget	1980
717	12/27/19779	Tax Rate	1980
718	12///17/1979	Repealed by 733	Sewers and Sewage Disposal
719	1/21/1980	Repealed by 785	
720	1/21/1980	Repealed by 959	Administration and Government
721	6/16/1980	Repealed by 785	
722	2/18/1980	§§1-301, 1-302	Administration and Government
723	2/18/1980	Superseded by 922	Signs and Billboards
724	4/21/1980	Superseded by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
725	6/16/1980	Repealed by 873	Code Enforcement
726	8/18/1980	Appendix D	Governmental and Intergovernmental Affairs
727	9/15/1980	Repealed by 785	
728	10/20/1980	Repealed by 995	Curbs and Sidewalks
729	11/17/1980	Repealed by 785	

Ord. No.	Date	Disposition	Subject
730	12/29/1980	Repealed by 916	Administration and Government
731		Budget	1981
732	12/15/1980	Tax Rate	1981
733	12/29/1980	§18-102	Sewers and Sewage Disposal
734	1/19/1981	Repealed by 762	
735	3/16/1981	Appendix C	Franchises and Services
736	6/15/1981	Repealed by 785	
737	7/20/1981	Appendix D	Governmental and Intergovernmental Affairs
738	7//20/1981	Superseded by 848	Taxation, Special
739	7/20/1981	Repealed by 875	Code Enforcement
740	7/20/1981	Repealed by 879	Code Enforcement
741	7/20/1981	§§13-103, 13-107	Licenses, Permits and General Business Regulations
742	7/20/1981	§21-206	Streets and Sidewalks
743	7/20/1981	Superseded by 857	Solid Waste
744	9/21/1981	Vetoed	
745	9/21/1981	Repealed by 875	Code Enforcement
746	11/16/1981	Repealed by 879	Code Enforcement
747	11/16/1981	§1-415	Administration and Government
748	12/21/1981	§§6-101, 6-102	Conduct
749	12/21/1981	Superseded by 857	Solid Waste
750	21/21/1981	§18-103	Sewers and Sewage Disposal
751	12/21/1981	Appendix C	Franchises and Services
752	12/21/1981	Budget	1982
753	12/21/1981	Tax Rate	1982
754	3/15/1982	Repealed by 874	Code Enforcement
755	3/15/1982	Superseded by 895	Subdivision and Land Development
756	3/15/1982	Superseded by 922 Appendix J	Zoning Zoning; Prior Ordinances
757	4/19/1982	Repealed by 785	
758	4/29/1982	Superseded by 766	Water

Ord. No.	Date	Disposition	Subject
759	4191982	Superseded b 857	Solid Waste
760	5/17/1982	§§13-301-13-304	Licenses, Permits and General Business Regulations
761	5/17/1982	Appendix H	Streets and Sidewalks
762	7/19/1982	Repealed by 785	
763	7/19/1982	Repealer	
764	9/20/1982	Appendix D	Governmental and Intergovernmental Affairs
765	9/20/1982	§§13-101, 13-103	Licenses, Permits and General Business Regulations
766	10/11/1982	Repealed by 863	Water
767	10/11/1982	Repealed by 916	Administration and Government
768	1/17/1983	Appendix D	Governmental and Intergovernmental Affairs
769	12/20/1982	Tax Rate	1983
770	1/17/1983	§1-412	Administration and Government
771		Superseded by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
772	2/21/1983	Repealed by A.O.	Per Capita Tax
773	3/21/1983	Superseded by 785	
774	4/18/1983	§1-416, 1-417	Administration and Government
775	5/26/1983	Repealed by 859	Administration and Government
776	6/20/1983	Superseded by 857	Solid Waste
777	6/20/1983	§§13-601 – 13-607	Licenses, Permits and General Business Regulations
778	6/20/1983	Repealed by 929	Streets and Sidewalks
779	6/20/1983	§§24-401 – 24-413	Taxation, Special
780	8/15/1983	Superseded by 785	
781	11/21/1983	Superseded by 785	
782	11/21/1983	Superseded by 832	Licenses, Permits and General Business Regulations
783	11/21/1983	Repealed by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
784	12/21/1983	Tax Rate	1984

Ord. No.	Date	Disposition	Subject
785	11/21/1983	Superseded by 991	A.O.
786	4/16/1984	Motor Vehicles and Traffic	
787	4/16/1984	Licenses, Permits and General Business Regulations	
788	6/18/1984	Superseded by A.O.	Motor Vehicles and Traffic
789	6/18/1984	Repealed by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
790	7/16/1984	Superseded by A.O.	Motor Vehicles and Traffic
791	8/20/1984	Repealed by 859	Administration and Government
792	9/17/1984	§1-312	Administration and Government
793	9/17/1985	Repealed by 942	Administration and Government
794	11/19/1984	Repealed by 863	Water
795	12/17/1984	Superseded by 902	Sewers and Sewage Disposal
796	12//17/1984	Repealed by A.O.	Per Capita Tax
797	12/17/1984	Tax Rate	1985
798	2/18/1985	Repealed by A.O.	Per Capita Tax
799	2/18/1985	Repealed by 936	Taxation, Special
800		Superseded by A.O.	Motor Vehicles and Traffic
801		Superseded by A.O.	Motor Vehicles and Traffic
802		Superseded by A.O.	Motor Vehicles and Traffic
803	4/15/1985	Appendix C	Franchises and Services
804	5/20/1985	Repealed by 875	Code Enforcement
805	5/20/1985	§16-201	Sewers and Sewage Disposal
806	5/20/1985	Superseded by 829	Taxation, Special
807	5/20/1985	§§1-411 – 1-426	Administration and Government
808		Superseded by A.O.	Motor Vehicles and Traffic
809	8/19/1985	§24-403	Streets and Sidewalks
810		Superseded by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
811	10/21/1985	§2-201	Animals
812		Tax Rate	1986

Ord. No.	Date	Disposition	Subject
813		Repealed by 863	Water
814	12/2/1985	Appendix D	Governmental and Intergovernmental Affairs
815	12/16/1985	Appendix D	Governmental and Intergovernmental Affairs
816	2/17/1986	§13-510	Licenses, Permits and General Business Regulations
817	2/17/1986	§§1-416, 1-417	Administration and Government
818		Missing	
819		Repealed by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
820	4/21/1986	Superseded by A.O.	Motor Vehicles and Traffic
821	5/12/1986	Repealed by 995	Curbs and Sidewalks
822	-/-/1986	Repealed by 916	Administration and Government
823	-/5/1986	Repealed by 859	Administration and Government
824	5/27/1986	Repealed by 858	Taxation, Special
825	-/-/1986	§21-403	Streets and Sidewalks
826		Not Adopted	
827	-/-/1987	Superseded by A.O.	Motor Vehicles and Traffic
828	-/-/1986	§1-312	Administration and Government
829	-/-/1986	Superseded by 848	Taxation, Special
830	-/-/1987	Appendix B	Bond Issues and Loans
831	4/20/1987	Superseded by A.O.	Motor Vehicles and Traffic
832	6/15/1987	Repealed by 981	Licenses, Permits and General Business Regulations
833	8/17/1987	Superseded by A.O.	Motor Vehicles and Traffic
834	9/21/1987	Superseded by A.O.	Motor Vehicles and Traffic
835	-/-/1987	Not Codified	Water
836		Missing	
837		Missing	
838	1/9/1988	Appendix D	Governmental and Intergovernmental Affairs
839		Missing	

Ord. No.	Date	Disposition	Subject
840		Missing	
841		Missing	
842	6/20/1988	Superseded by A.O.	Motor Vehicles and Traffic
843	6/20/1988	Repealed by 858	Taxation, Special
844		Superseded by 865	
845	12/19/1988	Superseded by A.O.	Motor Vehicles and Traffic
846	12/19/1988	Tax Rate	1989
847	3/20/1989	Repealed by 859	Administration and Government
848	3/20/1989	§§24-301 – 24-314	Taxation, Special
849	4/17/1989	Superseded by A.O.	Motor Vehicles and Traffic
850	5/15/1989	Appendix C	Franchises and Services
851	8/18/1989	Repealed by 859	Administration and Government
852	12/18/1989	Tax Rate	1990
853		Missing	
854		Missing	
855		Missing	
856	6/12/1990	Appendix B	Bond Issues and Loans
857	8/20/1990	§§20-101-20-133	Solid Waste
858	9/17/1990	§§24-501 – 24-509	Taxation, Special
859	9/17/1990	§§1-401-1-409	Administration and Government
860	9/17/1990	Superseded by A.O.	Motor Vehicles and Traffic
861	12/17/1990	§§18-201, 18-203, 18-216, 18-224	Sewers and Sewage Disposal
862	12/17/1990	Tax Rate	1991
863	5/20/1991	Superseded by 917	Water
864	5/20/1991	Superseded by A.O.	Motor Vehicles and Traffic
865	7/15/1991	§§26-201-26-205	Water
866	7/15/1991	§§10-401-10-408	Health and Safety
867	7/15/1991	§§10-301-10-308	Health and Safety
868	7/15/1991	Appendix D	Governmental and Intergovernmental Affairs
869	8/19/1991	§§20-108, 20-109	Solid Waste

Ord. No.	Date	Disposition	Subject
870	8/19/1991	§25-103	Trees
871	8/19/1991	Superseded by A.O.	Motor Vehicles and Traffic
872	10/21/1991	§§5-101-5-114	Code Enforcement
873	10/21/1991	§§5-201-5-204	Code Enforcement
874	10/21/1991	Repealed by 1058	Fire Prevention
875	10/21/1991	§§5-501-5-504	Code Enforcement
876	10/21/1991	§§5-701-5-704	Code Enforcement
877	10/21/1991	§§5-801-5-804	Code Enforcement
878	10/21/1991	§§5-601-5-604	Code Enforcement
879	10/21/1991	§§5-401-5-414	Code Enforcement
880	10/21/1991	Superseded by 902	Sewers and Sewage Disposal
881	11/19/1991	§10-401	Health and Safety
882	11/-/1991	§20-104	Solid Waste
883	11/-/1991	Superseded by 895	Subdivision and Land Development
884	12/16/1991	Tax Rate	1992
885	1/20/1992	Superseded by 902	Sewers and Sewage Disposal
886	1/20/1992	Repealed by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
887	4/20/1992	Superseded by A.O.	Motor Vehicles and Traffic
888	7/20/1992	Repealed by 995	Curbs and Sidewalks
889	7/20/1992	§5-502	Code Enforcement
890A	11/18/1991	§§20-108, 20-109	Solid Waste
890B	9/-/1992	Superseded by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
891A	12/8/1991	Repealed by 956	Sewers and Sewage Disposal
891B	12/21/1992	Repealed by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
892	12/21/1992	Tax Rate	1993
893	-/-/1992	§18-103	Sewers and Sewage Disposal
894	2/22/1993	Superseded by 922	Zoning
895	2/22/1993	§§22-101 – 22-604	Subdivision and Land Development
896	2/22/1993	§1-416	Administration and Government

Ord. No.	Date	Disposition	Subject
897	3/31/1993	Repealed by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
898	3/31/1993	§§6-401, 6-402	Conduct
899	6/21/1993	§§1-601-1-605	Administration and Government
900	6/28/1993	Appendix B	Bond Issues and Loans
901	8/16/1993	§1-416	Administration and Government
902	9/20/1993	§§18-301-18-399.31	Sewers and Sewage Disposal
903	10/11/1993	§20-110	Solid Waste
904	10/11/1993	§§1-701-1-704	Administration and Government
905	10/11/1993	Appendix D	Governmental and Intergovernmental Affairs
906	12/20/1993	Tax Rate	1994
907	3/21/1994	§20-110	Solid Waste
908	11/30/1994	§24-602	Taxation, Special
909	12/19/1994	Tax Rate	1995
910	12/19/1994	Repealed by 922	Zoning
		Appendix J	Zoning, Prior Ordinances
911	3/21/1995	§18-614	Sewers and Sewage Disposal
912	4/18/1995	§1-416	Administration and Government
913	6/20/1995	Appendix D	Governmental and Intergovernmental Affairs
914	12/19/1995	Tax Rate	1996
915	12/19/1995	Appendix B	Bond Issues and Loans
916	12/26/1995	§§1-211 – 1-217	Administration and Government
917	12/26/1995	§§26-102 – 26-103	Water
§1		Repealed by 983	
918	12/26/1995	Repealed by 959	Administration and Government
919	2/16/1996	Superseded by A.O.	Motor Vehicles and Traffic
920	1/6/1996	Superseded by A.O.	Motor Vehicles and Traffic
921	2/20/1996	Appendix B	Bond Issues and Loans
922	9/17/1996	§§27-101 – 27-2607	Zoning
923	12/30/1996	Tax Rate	1997

Ord. No.	Date	Disposition	Subject
924	12/30/1996	§13-701	Licenses, Permits and General Business Regulations
925	1/21/1997	§§27-201, 27-408, 27-1902, 27-1907, 27-1913, 27-1914, 27-2203, 27-2204	Zoning
926	4/15/1997	§§202, 304	Subdivision and Land Development
927	4/15/1997	Repealed by 1034	Parks and Recreation
928		Not Adopted	
929	7/15/1997	§§21-501 – 21-503	Streets and Sidewalks
930	9/1/1997	Superseded by 922	Signs and Billboards
932	9/1/1997	§20-111	Solid Waste
933	7/15/1998	§1-101	Administration and Government
934	12/30/1997	Tax Rate	1998
935	12/30/1997	§11-103	Housing
936	12/30/1997	Superseded by 994	Occupation Privilege Tax
937	8/17/1998	§1-403	Administration and Government
938	11/19/1998	Appendix D	Governmental and Intergovernmental Affairs
939	12/28/1998	§18-103	Sewers and Sewage Disposal
940	12/28/1998	Tax Rate	1999
941	2/15/1999	§§27-301, 27-1203, 27-1302, 27-1501 – 27-1506	Zoning
942	5/17/1999	§§1-321 – 1-329	Administration and Government
943	9/20/1999	§1-404	Administration and Government
944	10/18/1999	§27-803	Zoning
945	12/20/1999	Tax Rate	2000
946	1/3/2000	§20-112	Solid Waste
947	3/20/2000	§1-413	Sewers and Sewage Disposal
948	10/16/2000	§§2-101, 2-102, 2-301	Animals
949	11/20/2000	§§1-414, 1-416	Administration and Government
950	11/20/2000	§1-404	Administration and Government

Ord. No.	Date	Disposition	Subject
951	12/18/2000	§§27-301, 27-411, 27-1601 – 27-1605, 27-2001 – 27-2014	Zoning
952	12/18/2000	Tax Rate	2001
953	2/19/2001	Appendix D	Governmental and Intergovernmental Affairs
954	3/19/2001	Appendix D	Governmental and Intergovernmental Affairs
955	5/21/2001	§§21-502, 21-503	Streets and Sidewalks
956	5/21/2001	Superseded by A.O.	Fee Resolution
957	12/17/2001	§1-416	Administration and Government
958	12/17/2001	Not Codified	
959	12/17/2001	§1-101	Administration and Government
960	12/17/2001	Tax Rate 2002	
961	4/15/2002	§27-1502	Zoning
962	5202002	§4-102	Administration and Government
963	8/19/2002	§27-3001	Zoning
964	9/16/2002	§27-1502	Zoning
965	9/16/2002	§22-310	Subdivision and Land Development
966	12/16/2002	Superseded by A.O.	Motor Vehicles and Traffic
967	12/16/2002	§§14-101, 14-102	Mobile Homes and Mobile Home Parks
968	12/16/2002	§§10-501-10-506	Health and Safety
969	12/16/2002	Superseded by A.O.	Motor Vehicles and Traffic
970	12/16/2002	Tax Rate 2003	
971	1/21/2003	§20-112	Solid Waste
972	3/18/2003	§§27-2801-27-2805	Zoning
973	3/18/2003	§§27-2901-27-2905	Zoning
974	3/18/2002	§§27-2701-27-2705	Zoning
975	3/18/2003	§§27-1301-27-1304	Zoning
976	3/18/2003	§27-1502	Zoning
977	3/18/2003	§§27-302, 27-3001	Zoning
978	6/16/2003	§§27-1702,27-1704	Zoning

Ord. No.	Date	Disposition	Subject
979	6/16/2003	§20-111	Solid Waste
980	10/6/2003	Appendix B	Bond Issues and Loans
981	12/15/2003	§§13-501 – 13-509	Licenses, Permits and General Business Regulations
982	12/15/2003	Tax Rate 2004	
983	12/15/2003	§26-101	Water
984	2/17/2004	§§26-401 – 26-475	Water
985	6/21/2004	§§22-307 – 22-308	Subdivision and Land Development
986	6/21/2004	§5-901	Code Enforcement
987	8/16/2004	§§27-202, 27-407, 27-602, 27-604	Zoning
988	12/20/2004	§§27-503, 27-603, 27-703, 27-803	Zoning
989	12/20/2004	Tax Rate 2005	
990	4/12/2005	§27-2703	Zoning
991	8/15/2005	Superseded by Ord. 1066	Adopting Ordinance
992	6/20/2005	§§1-403, 1-405, 1-406, 1-410	Administration and Government
993	8/15/2005	§5-105	Code Enforcement
994	12/19/2005	§§24-201 – 24-207	Emergency and Municipal Services Tax
995	12/19/2005	§§21-301 – 21-306	Curbs and Sidewalks
996	12/19/2005	§18-103	Sewers and Sewage Disposal
997	12/19/2005	Tax Rate 2006	
998	2/21/2006	§1-301	Planning Commission
999	2/21/2006	§1-102	Administration and Government
1000	3/20/2006	§1-405	Police Pension Fund
1001	7/17/2006	Appendix H	Streets and Sidewalks
1002	12/18/2006	Tax Rate 2007	
1003	12/18/2006	§24-304	Realty Transfer Tax
1004	1/16/2007	§27-2703	Zoning
1005	1/16/2007	§27-415	Zoning

Ord. No.	Date	Disposition	Subject
1006	5/21/2007	§§20-201 – 20-213	Municipal Waste Collection and Recycling
1007	5/21/2007	§§27-2001 – 27-2014	Zoning
1008	5/21/2007	§§27-2703	Zoning
1009	5/21/2007	§18-313	Sewers and Sewage Disposal
1010	10/15/2007	§1-409	Police Pension Fund
1011	11/5/2007	§27-802	Zoning
1012	12/17/2007	Tax Rate 2008	
1013	12/17/2007	§§24-201 – 24-205	Local Services Tax
1014	1/7/2008	§27-2703	Zoning
1015-1	1/22/2008	§§27-1001 – 27-1003, 27-2806, 27-3001	Zoning
1015-2	2/19/2008	§15-213	Motor Vehicles and Traffic
1016	5/19/2008	§§21-201, 21-202, 21-205, 21-207	Street Excavations;
		Ch. 22, Appendix A	Subdivision and Land Development
1017	7/21/2008	Ch. 22, Appendix B	Subdivision and Land Development
1018	7/21/2008	Ch. 22, Appendix B;	Subdivision and Land Development
		§§27-28A01 – 27-28A05, 27-3001	Zoning
1019	8/19/2008	§18-322	Sewers and Sewage Disposal
1020	9/16/2008	§1-403	Police Pension Plan
1021	9/16/2008	§27-202, 27-407	Zoning
1022	9/16/2008	§27-412	Zoning
1023	9/16/2008	§22-313	Subdivision and Land Development
1024	10/21/2008	§27-3001	Zoning
1025	10/21/2008	§27-1502	Zoning
1026	10/21/2008	§1-216	Administration and Government
1027	10/21/2008	§2-201	Animals
1028	11/18/2008	§§5-611 – 5-621	Portable Storage Units
1029	12/16/2008	Tax Rate 2009	

Ord. No.	Date	Disposition	Subject
1030	12/16/2008	§§18-302, 18-313, 18-323, 18-354, 18-363, 18-381	Sewers and Sewage Disposal
1031	1/20/2009	§§5-631 - 5-639	Dumpsters
1032	2/3/2009	§1-102	Administration and Government
1033	2/17/2009	§5-114	Code Enforcement Office
1034	2/17/2009	§§16-101 –16-107	Parks and Recreation
1035	3/17/2009	§26-101	Water
1036	3/17/2009	§§15-305, 15-415	Motor Vehicles and Traffic
1037	4/21/2009	§§1-901 – 1-910	Identity Theft Program
1038	6/16/2009	§1-1001	Volunteer Firefighters and Ambulance Personnel
1039	6/16/2009	§§18-231 – 18-236	Sewers and Sewage Disposal
1040	8/4/2009	§§27-2001 – 27-2014	Zoning
1041	7/21/2009	§15-213	Motor Vehicles and Traffic
1042	7/21/2009	§§20-141 – 20-142	Leaf Waste
1043	9/15/2009	Appendix B	Bond Issues and Loans
1044	12/15/2009	Tax Rate 2010	
1045	1/19/2010	§1-301	Planning Commission
1046	3/16/2010	§18-302	Sewers and Sewage Disposal
1047	3/16/2010	§20-112	Solid Waste
1048	8/17/2010	§§5-202, 5-301 – 5-302	Fire Prevention
1049	10/5/2010	§§20-103, 20-104, 20-113, 20-126	Solid Waste
1050	10/19/2010	§15-402	Motor Vehicles and Traffic
1051	12/7/2010	§§24-601 – 24-606	Business Privilege and Mercantile Tax
1052	12/21/2010	Tax Rate 2011	
1053	1/18/2011	§27-416	Zoning
1054	1/18/2011	§§27-903, 27-1103	Zoning
1055	1/18/2011	§§27-2003, 27-2007, 27-2008, 27-2010	Zoning
1056	5/18/2011	§13-801 – 13-807	Outdoor Vending Machines

Ord. No.	Date	Disposition	Subject
1057	5/18/2011	§§18-302, 18-313, 18-323, 18-354, 18-361, 18-363, 18-381	Sewers and Sewage Disposal
1058	7/19/2011	§§15-207, 15-213	Motor Vehicles and Traffic
1059	9/20/2011	§§1-405, 1-406, 1-407	Police Pension Fund
1060	9/20/2011	Ch. 24, Part 5	Earned Income and Net Profits Tax
1061	11/15/2011	Ch. 1, Part 11	Fund Balance Policy
1062	12/20/2011	§18-103	Sewers and Sewage Disposal
1063	12/20/2011	Tax Rate 2012	
1064	3/20/2012	Ch. 22, Appendix B	Subdivision and Land Development
1065	4/17/2012	§1-101	Elected Officials
1066	7/7-12-2012	Preface	Adopting Ordinance

BOROUGH of AMBLER

KEY TO SIGNIFICANT RESOLUTIONS

Resolution	Date	Disposition	Subject
10/3/1932		§1-431	Administration and Government
3/16/1936		Appendix H	Streets and Sidewalks
4/13/1936		Appendix D	Governmental and Intergovernmental Affairs
7/23/1936		Appendix D	Governmental and Intergovernmental Affairs
9/8/1937		Appendix B	Bond Issues and Loans
1/15/1938		Appendix D	Governmental and Intergovernmental Affairs
11/21/1983		Pgs. x to xiii	Introduction
2/2/1993		Appendix A	Subdivision and Land Development
2000-20	12/18/2000	Fees Resolution	
2001-09	5/21/2001	Appendix D	Governmental and Intergovernmental Affairs
2001-10	5/21/2001	Appendix D	Governmental and Intergovernmental Affairs
2001-11	6/4/2001	Appendix D	Governmental and Intergovernmental Affairs
2001-12	6/18/2001	Superseded by A.O.	Fee Resolution
2001-13	6/18/2001	Appendix D	Governmental and Intergovernmental Affairs
2001-14	7/16/2001	Appendix D	Governmental and Intergovernmental Affairs
2001-1	7/16/2001	Appendix D	Governmental and Intergovernmental Affairs
2001-12	6/18/2001	Superseded by A.O.	Motor Vehicles and Traffic
2001-13	6/18/2001	Appendix D	Governmental and Intergovernmental Affairs
2001-14	7/16/2001	Appendix D	Governmental and Intergovernmental Affairs
2001-15	7/16/2001	Appendix D	Governmental and Intergovernmental Affairs
2002-01	2/19/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-02	3/18/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-03	3/18/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-04	3/18/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-05	4/14/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-06	4/145/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-07	5/20/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-08	5/20/2002	Appendix D	Governmental and Intergovernmental Affairs

Resolution	Date	Disposition	Subject
2002-09	6/17/2002	Superseded by A.O.	Fee Resolution
2002-16A	10/21/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-19	12/16/2002	Appendix D	Governmental and Intergovernmental Affairs
2002-20	12/16/2002	Budget 2003	
2003-01	2/18/2003	Superseded by A.O.	Fee Resolution
2003-02	4/7/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-03	4/21/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-04	4/21/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-05	7/21/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-06	8/18/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-07	9/15/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-08	9/15/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-09	9/15/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-10	9/15/2003	§1-801	Administration and Government
2003-11	10/6/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-12	10/20/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-13	11/17/2003	Appendix D	Governmental and Intergovernmental Affairs
2003-14	12/15/2003	Budget 2004	
2003-15	12/15/2003	Appendix D	Governmental and Intergovernmental Affairs
2004-01	3/1/2004	Appendix D	Governmental and Intergovernmental Affairs
2004-02	4/5/2004	Appendix D	Governmental and Intergovernmental Affairs
2004-03	4/5/2004	Appendix D	Governmental and Intergovernmental Affairs
2004-04	4/19/2004	Appendix D	Governmental and Intergovernmental Affairs
2004-05	4/19/2004	Appendix D	Governmental and Intergovernmental Affairs
2004-06	4/19/2004	Appendix D	Governmental and Intergovernmental Affairs
2004-07	4/19/2004	Appendix D	Governmental and Intergovernmental Affairs
2004-08	12/20/2004	Budget 2005	