

TOWNSHIP OF WEST CALN  
COUNTY OF CHESTER, PENNSYLVANIA

ORD. NO. 2023-01

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF WEST CALN, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

Be it enacted and ordained by the Board of Supervisors of the Township of West Caln, County of Chester, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

**ARTICLE I**  
**Adoption of Code**

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

Pursuant to Section 1601(d) of the Second Class Township Code [53 P.S. § 66601(d)], the codification of a complete body of legislation for the Township of West Caln, County of Chester, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 350, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township of West Caln, which shall be known and is hereby designated as the "Code of the Township of West Caln," hereinafter referred to as the "Code."

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

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 Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the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

**§ 1-3. Inconsistent legislation repealed.**

- A. Repeal of inconsistent ordinances. Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of 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 Township of West Caln which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific ordinances. The Board of Supervisors of the Township of West Caln has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
  - (1) Ord. No. 2, adopted 9-7-1953, Social Security.
  - (2) Ord. No. 7, adopted 1-24-1955, House Trailer Tax.
  - (3) Ord. No. 10, adopted 1-7-1957, Objectionable Establishments.
  - (4) Ord. No. 11, adopted 7-27-1959, Township Dump.
  - (5) Ord. No. 12, adopted 9-14-1959, Township Dump Amendment.
  - (6) Speed-Timing Devices, adopted 9-10-1984.
  - (7) Ord. No. 1-92, adopted 4-13-1992, Water Conservation.
  - (8) Ord. No. 4-95, adopted 7-10-1995, Fire Prevention.
  - (9) Ord. No. 2-2019, adopted 6-12-2019, Property Maintenance.

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

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

- A. Any ordinance adopted subsequent to August 8, 2022.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township or any penalty, punishment or forfeiture which may result therefrom.

- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Township.
- K. Any ordinance providing for 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 Township 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 Township.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.

**§ 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 legislation; new provisions.**

- A. Nonsubstantive changes. In compiling and preparing the ordinances and resolutions of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Board of Supervisors that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
- C. Nomenclature changes and revisions.
  - (1) “Department of Environmental Resources” or “DER” are changed to “Department of Environmental Protection” or “DEP.”
  - (2) “Department of Community Affairs” or “DCA” to “Department of Community and Economic Development” or “DCED.”
  - (3) “Justice of the Peace,” “District Magistrate” and “District Justice” are changed to “Magisterial District Judge.”
  - (4) “Soil Conservation Service” or “SCS” are changed to “Natural Resources Conservation Service” or “NRCS.”
  - (5) “Department of Public Welfare” is changed to “Department of Human Services.”
  - (6) “Department of Highways” is changed to “Department of Transportation.”

**§ 1-7. Interpretation of provisions.**

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

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

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or 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 Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Township Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-10. Amendments to Code.**

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

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

It shall be the duty of the Township Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all legislation adopted by the Board of Supervisors subsequent to the effective date of this codification which the Board of Supervisors shall adopt specifically as part of the Code shall, when finally

adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

**§ 1-12. Publication of notices.**

The Township Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction of the Code in a newspaper of general circulation in the Township. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, 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; violations and penalties.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Township to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

**§ 1-14. Severability.**

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


**§ 1-15. Effective date.**

All provisions of this ordinance and of the Code shall be in force and effect five days after adoption of this ordinance.

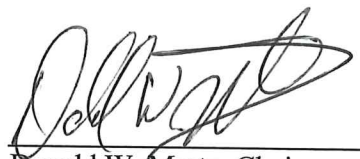
ENACTED AND ORDAINED by the Board of Supervisors of the Township of West Caln this  
12<sup>th</sup> day of April 2023.

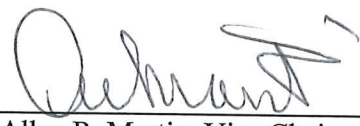


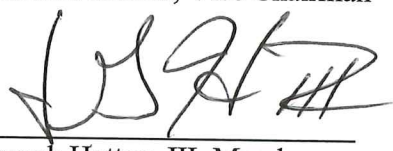
Attest:

  
\_\_\_\_\_  
Township Secretary

TOWNSHIP OF WEST CALN

BY:   
\_\_\_\_\_  
Donald W. Martz, Chairman

BY:   
\_\_\_\_\_  
Allen R. Martin, Vice Chairman

BY:   
\_\_\_\_\_  
Joseph Hutton, III, Member

**Township of West Caln  
Code Adoption Ordinance 2022**

**Schedule A  
Specific Revisions at Time of Adoption of Code**

**Penalties.**

The following sections are standardized to the summary offense penalty below: §§ 110-8B, 232-31, 257-6, 257-11, 289-16C, 292-11A, 294-49, 296-2, 296-9, 296-18, 308-20A, 324-8:

*Any person who violates or permits a violation of this chapter/article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter/article that is violated shall also constitute a separate offense.*

**Chapter 44, Manager.**

- A. Original Section 4, Manager's bond, is deleted.
- B. Section 44-4 is amended to read:

*§ 44-4. Compensation.*

*The compensation of the Township Manager shall be as set from time to time by resolution of the Board of Supervisors and shall be paid out of the general fund of the Township.*

**Chapter 69, Recreation Advisory Board.**

Section 69-1 is amended to read:

*There is hereby created a Recreation Advisory Board to be known as the "West Caln Township Recreation Advisory Board" (hereinafter called the "RAB"). To the extent that RAB is not fully functional or lacking in volunteers, the Board of Supervisors may serve as RAB and make all decisions related to recreational facilities in the Township.*

**Chapter 93, Alarms.**

- A. Section 93-3A is amended to change "Board of Supervisors" to "Township."
- B. Section 93-3B is amended to insert "alarm device notification" preceding "application to the Township Secretary."
- C. Section 93-3C is amended to insert "alarm device notification" preceding "application."
- D. Section 93-5 is amended to read: *A person that owns, uses or possesses an alarm device or automatic dialing device may not, after causing or permitting three false alarms to occur in a consecutive twelve-month period, cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period. A person that violates this chapter commits a*



*summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300.*

- E. Section 93-6 is amended to read: *The provisions contained herein regulating alarm devices are intended to comply with state laws and regulations in effect as of the date of adoption of this chapter. To the extent that any of the provisions in this chapter conflict with any state statute or regulations, including but not limited to Title 18 the Pennsylvania Crimes Code, the state statutes or regulations shall control unless the applicable state statutes or regulations allow for more stringent provisions in local ordinances, in which case, the more stringent provisions of local ordinances shall remain in effect and shall control in such instances.*
- F. Original Section 6, Civil Proceedings, and Section 7, Action taken on unsatisfactory alarm systems, of Ord. No. 2-94, are repealed.

### **Chapter 110, Buildings, Numbering of.**

Section 110-6 is amended, in part, as follows: "In order to comply with this ordinance, street address numbers shall be Arabic in design, have a minimum height of ~~three~~ four inches, with a minimum stroke width of 0.5 inch, and shall be mounted in a secure fashion..."

### **Chapter 130, Curfew.**

Section 130-4 is amended to read, in part: "... upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense."

### **Chapter 158, Emergency Communication Systems.**

Section 158-9 is added: *Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

### **Chapter 175, Fire Protection and Emergency Services.**

This chapter is adopted to read as follows:

#### ***§ 175-1. Purpose and scope of authority.***

*The purpose of this article is to establish fire protection in West Caln Township; ensure basic oversight, control measures, procedures and regulations governing conditions which could impede or interfere with effective fire services in the Township; and to authorize and permit activities for volunteer firefighter personnel for workers compensation purposes. Notwithstanding anything contained in this article to the contrary, neither the recognition of the fire company nor the authorization or permission herein granted to the fire company shall be construed as constituting the fire company as an agent, agency, department or employee*

*of West Caln Township, except insofar as such effect is provided under the provisions of the Pennsylvania Workers Compensation Act.*

**§ 175-2. Definitions.**

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

**CAPITAL EXPENDITURE** — *An outlay of funds to acquire fixed assets or additions to them; construction of buildings and similar permanent structures; major building improvements and infrastructure improvements in existing buildings; the purchase of land; the purchase of major equipment or components of that equipment; engineering or architectural studies and services related to improvements of buildings and all outlays financed by long- or short-term debt. For purpose of this article, a capital expenditure is an item that costs in excess of \$4,000 and has a useful life of multiple years.*

**EMERGENCY SERVICES BOARD** — *A group of appointed officials organized by the Board of Supervisors for the general purposes of appropriately overseeing and coordinating the management of any fire company within West Caln Township recognized in this article. Specific tasks and duties of the Emergency Services Board are established by resolution of the Board of Supervisors, which may include but may not be limited to providing for the improvement, advancement and development of the fire services within fire company(ies) and/or establish funding priorities and mechanisms and to do any and all necessary business for the fire company(ies) to provide adequate fire service in the Township.*

**FIRE COMPANY** — *Any organized fire company which responds in West Caln Township for the purpose of extinguishment of a fire or other emergency involving protection of life and/or property or when its assistance has been requested by the officer in charge of the incident.*

**FIRE COMPANY VEHICLES** — *Any motor vehicle controlled by a volunteer fire company, the principal purposes of said vehicle being the fighting of fires or supplying of related services including emergency services. Essential fire company vehicles include those such as a Class A pumper, tanker/pumper or rescue vehicle. All other vehicles are nonessential in nature.*

**MUTUAL AID** — *A formal or informal agreement by two or more fire companies to agree to cooperatively provide upon request such aid, fire protection and suppression personnel and to make available such equipment or facilities as may be needed for the suppression of fires or the duties and responsibilities associated with saving lives and property within the jurisdictional areas of the requesting department, provided that the personnel, equipment or facilities requested are not otherwise required within a fire company's jurisdiction.*

**NFPA** — *National Fire Protection Association.*

**OFFICER IN CHARGE** — *The Fire Chief of the fire company or designee in whose district the emergency occurs or, in his absence, the next ranking officer following the chain of command established by the rules of the fire company in whose district the emergency occurs.*

**VOLUNTEER FIRE COMPANIES** — *A fire company organized, recognized and existing under the laws of the Commonwealth of Pennsylvania, located within West Caln Township and authorized to act within West Caln Township.*

**VOLUNTEER FIREFIGHTER** — *An active member of a volunteer fire company who is a member in good standing of said volunteer company.*

**§ 175-3. Fire company recognized.**

*The Wagontown Volunteer Fire and Rescue Company (hereafter "fire company"), organized and existing in the Township of West Caln, Chester County, Pennsylvania, is hereby designated as the officially recognized fire company for the Township, unless by resolution of the Board of Supervisors it is determined to no longer be officially recognized.*

**§ 175-4. Authorized duties and permitted activities of fire company.**

*Volunteer firefighters in West Caln Township, including any paid firefighter who performs the services of a volunteer firefighter during off-duty hours, are deemed to be West Caln Township employees only when actively engaged in authorized duties as firefighters or while going to or returning from a fire emergency call which his/her fire company attended, including travel from and the direct return to a firefighters home, place of business or other place where he/she shall have been when call or alarm was received. The authorized duties and activities listed in this section are the sole duties and activities authorized by the Board of Supervisors of West Caln*

*Township to be performed by volunteer fire companies or their members. Any other activities performed by volunteer fire companies or their members shall be deemed as outside of the scope of the office or duties of volunteer fire companies and undertaken at the sole risk of the company and individual members, unless authorized in writing by the Board of Supervisors. Authorized duties and activities are as follows:*

*A. The fire company is hereby authorized to provide such services to the Township as may be necessary for the protection of property and persons situated therein, which include, by way of example and not of limitation, the extinguishment and prevention of loss of life and property from fire, motor vehicle accident, medical emergencies, hazardous materials incidents and other dangerous situations.*

*B. The fire company is permitted to provide nonemergency and public service functions, either within or outside the Township, such as, by way of example and not of limitation, removing water from property after storms and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural causes or man-made situations.*

*C. The fire company is permitted to conduct and participate in such training activities and drills, either within or outside of the Township, as may be deemed necessary by the officer of the fire company to maintain proficiency in providing services.*

*D. The fire company is permitted to respond to calls and provide services to municipalities outside of the Township with which it maintains mutual response agreements or when called by officials who deem the fire company services necessary in a given situation.*

*E. The fire company is permitted to engage in inspections and tours of private property in the Township, when invited, for fire prevention, planning and training purposes, preplanning, public education programs, testing of fire protection equipment or systems, open houses, and other fire prevention activities, when authorized by the Fire Chief or his/her designee.*

*F. The fire company may conduct scheduled special work details at fire stations related to maintenance activities and recruitment programs.*

*G. Fire company members may engage in fund-raising activities for the fire company when authorized by an officer or officers of the fire company and attend parades and similar civic activities when authorized by the Board of Supervisors.*

**§ 175-5. Interference with fire-suppression forces.**

*A. Interference with volunteer fire company operations. In accordance with Pennsylvania Title 18 and this article, it shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any volunteer fire company emergency vehicle in any way or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any volunteer fire company operation.*

*B. Compliance with orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of the officer in charge or designee to interfere with the compliance attempts of another individual.*

*C. Vehicles crossing fire hose. A vehicle shall not be driven or propelled over any unprotected fire hose of a fire company when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the officer in charge of said operation or designee.*

*D. Unlawful boarding or tampering with fire company emergency equipment. A person shall not, without proper authorization from the officer in charge of said fire company emergency equipment or designee, cling to, attach himself to, climb upon or into, board or swing upon any fire company emergency vehicle, whether the same is in motion or at rest, sound the siren, horn, bell or other sound-producing device thereon, or manipulate or tamper with or attempt to manipulate or tamper with any levers, valves, switches, starting device, brakes, pumps or any equipment or protective clothing on or a part of any fire company emergency vehicle.*

*E. Unlawful or inappropriate use of preemption devices at signalized intersections.*

**§ 175-6. Control of equipment and funds.**

- A. All appropriations made by West Caln Township to or for the use of the fire company, whether of money or property, and all equipment purchased by the fire company by use of such appropriations, or purchased by West Caln Township for use by the fire company, shall be deemed to be and shall continue to be the property of West Caln Township.
- B. None of the fire apparatus or capital equipment owned by the fire company or by West Caln Township shall be permanently removed or sold without the consent of the Board of Supervisors of West Caln Township; and except for the conduct of activities authorized or permitted in § 175-4 none of the fire-fighting apparatus or equipment shall be temporarily removed from the Township without the prior approval of the Board of Supervisors.
- C. No capital expenditures shall be made by the fire company which shall require its borrowing of money or the pledge of its credit without the prior approval of the Board of Supervisors.

D. On or prior to October 1 each year, the fire company shall submit to the Board of Supervisors of West Caln Township its proposed budget of revenues and expenses for the forthcoming fiscal year for review and approval by the Board of Supervisors.

**§ 175-7. Annual financial reporting; fire company reporting, appropriations and disbursements.**

A. Required financial reporting and Township appropriations. In accordance with Section 1803 of the Pennsylvania Second Class Township Code and as required herein, all fire company shall annually submit to the Board of Supervisors a report of use of appropriated moneys for each completed year of operation before any further payments are made to the fire company for the current year in such sum(s) that, in the opinion of said Board, may be necessary in support of fire company facilities and training in accordance with Section 1803(a) of the Pennsylvania Second Class Township Code.

B. Disbursements. Funds derived from local taxes may be appropriated in accordance with Section 1803(a) of the Pennsylvania Second Class Township Code and shall be disbursed by the Board of Supervisors to a fire company employing any of three methods:

- (1) Requests for funds to be paid to vendors shall be made to the Board of Supervisors prior to its regularly scheduled meetings. If approved by the Board of Supervisors, the Township shall disburse check(s) written to vendors for the fire company.
- (2) Reimbursement for expenses paid to vendors by the fire company shall occur after the Board of Supervisors has reviewed the list of invoices paid and approved such prepaid expenses at its regular scheduled meeting.
- (3) The Township may disburse funds directly to the fire company in installments or single annual payment.

C. Other fire company regulations and reporting requirements. In accordance with Section 1803(b) of the Pennsylvania Second Class Township Code, the Board of Supervisors establishes the following regulations and reporting requirements for fire companies serving the Township. Compliance with the following standards by a fire company is required to ensure the Board of Supervisors is able to monitor activities and performance of the fire company and to meet fundamental fire services performance expectations and maintain good working order, as anticipated by the Board of Supervisors. Failure to comply with these standards may cause the Board of Supervisors to initiate a notice of delinquency of service in accordance with the applicable sections of this article. The requirements for fire companies are as follows:

- (1) The fire company shall be recognized by the Township.
- (2) A charter has been granted to such fire company by the proper court under the laws of the Commonwealth of Pennsylvania.
- (3) Such fire company shall be capable of manning and operating apparatus assigned to it by the Township or own at least one motorized apparatus which complies with today's minimum standards, such as, but not limited to, current National Fire Protection Association (NFPA) standards or as licensed by the Pennsylvania State Department of Health.
- (4) All apparatus owned by such fire company shall meet as a minimum current standards

*of the National Fire Protection Association or as licensed by the Pennsylvania State Department of Health.*

*(5) Such fire company shall have an alarm system that is deemed adequate to alert its volunteer firefighters without use of a device known as a house siren.*

*(6) Such fire company either owns or leases within the boundaries of the Township a suitable building of sufficient size to house fully equipped, approved apparatus meeting requirements.*

*(7) The officer in charge and all designated line officers of such fire company are fulltime residents of West Caln Township or a municipality contiguous thereto.*

*(8) All bylaws, and amendments thereto, of a fire company recognized by the Township shall be provided to the Township and kept current and on file with the Township Secretary. All amendments to any bylaws shall be presented to the Township within 45 days of adoption.*

*(9) Such fire company shall annually provide to the Township a certification of insurance from its insurance carrier.*

*(10) Such fire company shall annually before August 31 of each year provide to the Township a complete membership list that will include the officer in charge and all designees or other ranked officers/positions. The membership list will also include all active volunteer firefighters in good standing with the fire company and who are qualified by training or other measures established by the fire company to be engaged during a fire call and perform fire-protection duties and activities authorized under this article. The membership list will also designate all qualified apparatus drivers and summarize all training activities completed by the members.*

*(11) Such fire company shall provide to the Township a listing of all fire apparatus (vehicles) that carry hose, ladders and contain pumps used in fire suppression in the Township. Such fire company shall annually test all fire pumps in accordance with Section 1911, Standard for Service Tests on Automotive Fire Department, of the NFPA standards and provide a test report to the Township Board of Supervisors indicating the date, time, duration and results of each pump test. The results of all pump tests shall be kept on record and readily available for a period of five years.*

*(12) Such fire company will provide a registered inventory of all ladders owned by the fire company and used in fire suppression in the Township. Such fire company shall annually test or cause to be tested all ground ladders used in fire suppression in accordance with NFPA 1932 standards and provide a report to the Township Board of Supervisors indicating the date, time, duration and results of each ladder test. The results of all ladder tests shall be kept on record and readily available for a period of five years.*

*(13) Such fire company shall annually test or cause to be tested all fire hoses used in fire suppression in accordance with Section 1962, Standards for Testing of Fire Hose, of the NFPA standards and provide a report to the Township Board of Supervisors indicating the date, time, duration and results of each hose test. The results of all hose tests shall be kept on record and readily available for a period of five years.*

*(14) Such fire company shall, at a minimum, provide activity reports and/or incident reports to the Board of Supervisors on a regular monthly basis illustrating the number of calls, type of calls and number of firefighters responding, and similar information in a standard presentation format. At the end of each year, a standard activity report summary will be provided to the Board of Supervisors for review.*

*(15) Such fire company shall provide on an annual basis copies of documents showing compliance with filing requirements of the Federal Internal Revenue Service, the Pennsylvania Charities Act, the Pennsylvania Department of Revenue and any other government filing that is required of a fire company operating as a corporate entity. If any of these documents are not required or cease to be required, a letter shall be forwarded from the fire company to the Township containing an explanation of the reason for not filing.*

*D. Other financial reporting. In order to maintain an understanding of the fire company's financial needs, the fire company shall annually submit a report of its financial condition for the calendar year, an adopted budget for the fire company and an audit that has been completed by a certified professional accountant. The CPA audit must be completed within three months of the date of close of business of the fiscal year of the fire company.*

**§ 175-8. Election of officers.**

*The members of the fire company are further authorized to elect from their membership such officers as may be provided in the bylaws of the fire company.*

**§ 175-9. Delinquency of fire service.**

*A. The West Caln Township Board of Supervisors provides for fire protection in West Caln Township and requires that a fire company recognized under § 175-3 of this article operate and be managed in accordance with the laws of the Commonwealth of Pennsylvania, this article, the fire company's bylaws, and the standards of fire protection of the NFPA. Failure to adhere to these expectations and requirements or failure to do what law or duty requires constitutes a delinquency of service. Should the Township Board of Supervisors believe that for any reason the fire company is in noncompliance and not provide adequate fire protection to the Township, the Board of Supervisors may (but is not required to and may not be compelled to) use either of the following methodologies to declare the fire company delinquent:*

*(1) By adoption of a resolution stating that the fire company has failed to operate as anticipated by this article and it is necessary to provide direct assistance and oversight to the fire company. At any time that the Board of Supervisors determines that the failures have been corrected it may adopt a resolution granting the fire company the authority to direct its affairs in furtherance of this article. When the Board of Supervisors has determined that direct assistance and oversight are necessary it may elect to utilize the Emergency Services Board or staff to provide assistance and oversight as it deems to be in the best interest of the community and the fire company.*

*(2) The Board of Supervisors may direct the Township Manager, Fire Marshal and/or other designee to investigate and examine the reasons for noncompliance using the following process:*

*(a) The Township Manager and/or Fire Marshal and/or other designee will contact the fire company's chief administrative official, in writing, and indicate the findings by the Township of noncompliance in a noncompliance notification letter.*

*(b) Within the noncompliance notification letter, the Township Manager, Fire Marshal or other designee will coordinate with the fire company's chief administrative official the date(s), times and place to hold a meeting to discuss the findings, service concerns and/or compliance concerns and deficiencies with the chief administrative officer, the fire company liaison committee or other duly acknowledged representatives of the fire company.*

*(c) Within 10 days following the meeting with the fire company's chief administrative office, liaison committee or duly appointed representatives, the Township Manager, Fire Marshal and/or other designee will present, in writing, to the Board of Supervisors all findings and the current disposition of all findings as a result of the meeting. A copy of the findings and disposition comments will also be forwarded to the fire company.*

*(d) Following receipt by the fire company of the findings summary letter, the fire company will have 15 days to contact the Township Manager and schedule a presentation for the next Board of Supervisors meeting for the purpose of discussing the findings and the disposition of the findings and responding to the compliance issues.*

*(e) If the fire company adequately addresses the noncompliance findings and agrees to any corrective actions or measures approved by the Board of Supervisors related to the findings and the disposition of the findings, the fire company shall*

*be deemed to be in compliance. Upon appropriate motion and approval by the Board of Supervisors, the Township Manager, Fire Marshal and/or other designee will provide written notification of compliance.*

*(f) If noncompliance is sustained, the Board of Supervisors by majority motion may issue a notice of delinquency of service and initiate the delinquency of service process outlined in Subsection B and other actions provided in this section. The Board of Supervisors may also engage other fire companies or emergency service providers to ensure public safety is maintained in the Township.*

*B. Delinquency of service. In the event that a fire company established to provide fire protection or other emergency services and recognized in § 175-3 by West Caln Township, or any successor organization, shall at any time after the establishment of this article fail to maintain the fire protection service with a reasonable level of working order, in accordance with established standards, guidelines and agreements to operate and manage in accordance with the laws of the Commonwealth of Pennsylvania, this article, the fire company's bylaws, and NFPA, the Board may serve written notice of delinquency of service upon the fire company and its officers, stating:*

*(1) The manner in which the fire company has failed to maintain public fire protection service in a reasonable condition and issues related to noncompliance and delinquency of service.*

*(2) A demand that such deficiencies, issues of noncompliance and delinquency of service related to this article and the fire protection of West Caln Township be corrected within 30 days.*

*(3) A schedule for presenting to the Board of Supervisors an explanation for such deficiencies, issues of noncompliance and delinquency of service related to this article and the fire protection of West Caln Township.*

*(4) The date and places of public hearing, which shall be held within 45 days of the notice.*

*C. Public hearing for delinquency of service. At such a hearing, the Board of Supervisors may amend the terms of the original notice of delinquency of service concerning the deficiencies and may give an extension of time within which the fire company shall correct them. If the deficiencies or any modifications thereof were not corrected within 30 days of the notice of delinquencies referred to above or within any agreed-upon extension of time, the Township Board of Supervisors may intervene in the operation of the fire company through a resolution establishing that the Emergency Services Board will manage the affairs of a fire company in accordance with the provision of this article.*

*D. Formation of the Emergency Services Board. If after the public hearing for delinquency of service, the Board of Supervisors determines that delinquencies exist and that a fire company is not performing effectively and providing adequate fire protection services, the Board of Supervisors may form an Emergency Services Board, as follows:*

*(1) The Emergency Services Board shall be established by resolution passed by the Board of Supervisors and shall be maintained until further resolution of the Board of Supervisors as may be determined by the Board of Supervisors to be in the best interest of the Township. The Emergency Services Board shall be established and have authority over all functions of fire protection service currently maintained by the delinquent fire company, including, but not limited to, the administration, collection of revenues, payment of charges, organization of officers and similar administrative and operational functions. The Emergency Services Board will provide direct guidance and direction over the delinquent fire company in addressing all operational problems that have contributed in whole or in part to the delinquency of service. If an Emergency Services Board is established, the delinquent fire company shall be subject to the jurisdiction and control of the Emergency Services Board and shall at all times conform to any and all rules and regulations adopted by said Board, anything in the constitution and bylaws of any fire company to the contrary notwithstanding.*

*(2) Rights of the fire company. Establishment of the Emergency Services Board shall not*



*constitute a taking or disbandment of the fire company, nor vest in the Township any rights above those provided for by the Pennsylvania Second Class Township Code and other relevant laws of the Commonwealth of Pennsylvania.*

*(3) Duties and responsibilities. The specific duties and mission of the Emergency Services Board shall be established in detail by a resolution passed by the Board of Supervisors. At a minimum, the Emergency Services Board shall accomplish the following when acting to provide direct guidance and direction over a delinquent fire company:*

*(a) The Emergency Services Board shall retain fire company operability and shall maintain such minimum standards of operation of the fire company as the Township Board of Supervisors may prescribe and shall develop plans and make suggestions for improving such standards and shall report such plans and suggestions to the Township Board of Supervisors.*

*(b) Authority. The Emergency Services Board shall have the authority to remove, appoint or affirm all fire company officers, ancillary boards and committee members to serve in various capacities as specified in the fire company bylaws.*

*(c) The Emergency Services Board shall have approval authority over all fire company financial expenditures and administrative matters.*

*(d) The Emergency Services Board shall appoint its own Clerk(s) or administrative officers from the membership of the fire company to implement day-to-day tasks of the fire company and who shall serve at the pleasure of the Emergency Services Board.*

*(e) The Emergency Services Board shall determine the tasks to be performed and the powers entitled to the officer in charge and administrative officers during the period of delinquency.*

*(f) Organization of the Emergency Services Board. The Emergency Services Board shall consist of three members, with each Emergency Services Board member having staggered terms from one to five years. Thereafter, a new member shall be appointed by the Board of Supervisors each year for a term of five years, or until a successor is appointed and qualified, with no more than two members being reappointed or replaced during any future calendar year. The organizational procedures will continue to remain in effect until the Board of Supervisors deems the delinquency of service to be corrected. One member of the Board of Supervisors may serve on the Emergency Services Board.*

*E. Correction of delinquency; burden of proof. Before the expiration of one year from the determination of delinquency and formation of the Emergency Services Board, the Township shall, upon its initiative or upon request of a fire company representative, call a public meeting upon notice to the fire company. At the public hearing, the fire company shall be provided with an opportunity to show cause as to why the Emergency Services Board shall not, at the option of the Township, continue for a succeeding year. If the Board of Supervisors shall determine that the fire company is capable to resume service and to maintain compliance with the laws of the Commonwealth of Pennsylvania, this article, the fire company's bylaws, and NFPA or other deficiencies, the Township Board of Supervisors shall by resolution cease to maintain the formation of the Emergency Services Board at the end of said year or a date to be mutually determined by the fire company and the Township which is suitable for the effective transition. If the Board shall determine, at the recommendation of the Emergency Services Board, that the fire company is still delinquent, the Board of Supervisors shall, at its discretion, continue to reaffirm the Emergency Services Board for a next succeeding year and, subject to a similar hearing and determination, in each year thereafter in accordance with this section.*

*F. Any and all costs to the Township incurred as a result of administering and operating the fire company in the event of a delinquency (e.g., mailing expenses, staff time, and travel) and any additional penalties or fees set by the Township shall be paid by the fire company or Emergency Services Board.*

**§ 175-10. Municipal liability.**

*A. Unless otherwise provided in this article or by action of the West Caln Township Board of Supervisors, no fire company recognized in § 175-3 of this article or its officers, members, representatives, agents, servants or employees shall have the power or authority, either actual, apparent or implied, to contractually bind or create contractual liability on the part of West Caln Township or any other municipal entity.*

*B. It is recognized that a fire company, as specified in § 175-3, when engaged in activities and duties specified in § 175-4, is a governmental agency and that its officers, members, representatives, agents, servants or employees are included within the provisions of the Political Subdivision Immunity Act, 42 Pa.C.S.A. § 8541 et seq., and, as such, the fire company, its officers, members, representatives, agents, servants and employees are entitled to immunity from tort liability under the Pennsylvania Political Subdivision Tort Claims Act and to all rights and privileges as provided in said act.*

**§ 175-11. Violations and penalties.**

*Any person who violates or permits a violation of § 175-5 of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

**Chapter 205, Junkyards and Junk Dealers.**

A. Section 205-1 is amended to delete “and Refuse.”

B. In § 205-2, the definition of “junk” is amended to read:

- A. Any discarded material or article and shall include but not be limited to, scrap metal, scrapped or abandoned machinery, equipment, paper, glass, containers, and structures. In addition, "junk" shall mean motor vehicles no longer used as such or motor vehicles which are kept for the purpose of scrap metal or stripping of parts or motor vehicles which are unregistered or uninspected or motor vehicles which are in a state of major disassembly, disrepair or in the process of being stripped or dismantled.*
- B. The definition of "junk" does not include discarded materials and household waste such as mattresses, electronics, household appliances and similar items.*

C. Section 205-3A is amended to change “Board” to “Township.” Said subsection is further amended so that the second sentence thereof reads: “The license shall be issued for a twelve-month period.”

D. Section 205-4.

- (1) Subsection A is amended to change “Board” to “Township.”
- (2) Subsection B is amended so that the second sentence thereof reads: “The application shall include the following information unless deemed not to be applicable by the Township Zoning Officer:”
- (3) Subsection B(7) is amended to read: “A description of any building(s) being used as part of the junkyard business;”
- (4) Subsection B(9) is amended to read: “Hours of operation for the junkyard business;”
- (5) Subsection B(13) is amended to change “Township Manager or the Board” to “Township.”

## E. Section 205-5 is amended to read:

*A. Investigation.*

- (1) Upon receipt of an application for a junk dealer's license as provided herein, the Township Secretary shall furnish copies of same to the Chief of Police, the Fire Marshal and the Manager of the Township.*
- (2) The Fire Marshall shall review, from a fire safety standpoint, and approve the application if he finds the proposed or existing premises and equipment conform with the requirements of this chapter and all applicable fire prevention laws.*
- (3) The Township Zoning Officer shall review the application to determine if the proposed or existing buildings or equipment with which the junkyard is being or is to be operated with or upon conform to the requirements of the Township Building Codes and the requirements of Chapter 350, Zoning.*
- (4) If any of the findings provided for in the previous subparagraphs are unfavorable to the applicant, the Township Zoning Officer shall, within 30 days after the filing of the application, notify the applicant that his application is disapproved and that no license will be issued. Upon request, he shall furnish the applicant with a brief written statement of the grounds upon which the application was disapproved.*

*B. Issuance of license. Upon receipt of an application by the Township Secretary and the required above approvals, the Township shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township. In the event the Township shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this chapter as may be deemed necessary to carry out the spirit and intent of this chapter.*

F. Section 205-6 is amended to read: *The license fee shall be paid in accordance with those fees established by resolution and in the manner established by Township administration.*

## G. Section 205-8 is amended to change instances of "Board" to "Township."

H. Section 205-9 is amended to read: *In the event the Township shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee as established by resolution.*

## I. Section 205-12 is amended, in part, to read as follows:

*Every person licensed under this ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Township and in the manner prescribed by this section and any subsequent regulations adopted by the Township:*

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community, or of residents nearby or a place for the breeding of rodents and vermin. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes. In addition, weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than 10 inches.*
- B. No garbage or other organic waste shall be stored in such premises.*
- C. Whenever any motor vehicle, machinery or equipment shall be received in such premises as junk, all gasoline, oil, air conditioning refrigerant or any similar potentially hazardous substance shall be drained and removed therefrom. Disposal or storage of such liquids shall be in a manner deemed acceptable to the Township; such liquids shall not be deposited into the ground.*

(1) *No combustible material of any kind not necessary to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.*

(2) *Gasoline in an amount not exceeding 10 gallons may be stored above ground in said junkyards provided the same be placed in proper containers.*

...

G. *The premises to be licensed shall be set back a minimum distance of 100 feet from any residential district or use and 25 feet from all other property lines. The area between the setback line and all other property lines shall be at all times kept clear and vacant.*

H. *No space not covered by the license shall be used in the licensed business.*

I. *The area on the premises where junk is kept, other than indoors, shall be enclosed with a wall or fence at least six feet in height and which is designed and constructed so as to be at least 90% solid or opaque. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business. An effective year-round screen shall be provided pursuant to the screening and landscaping provisions in § 350-1206 of Chapter 350, Zoning.*

J. *The licensee shall permit inspection of the business premises by the Township Zoning Officer, or his duly appointed designee, or the Chief of Police, or any member of the Township Police Department, the Fire Marshal, or any member of the Township Fire Department, at any reasonable time.*

...

J. Section 205-13.

- (1) In Subsection A, the first sentence is amended to change Township Board of Supervisors to Township.
- (2) In Subsection A, the second sentence is amended to change is amended to change Board of Supervisors to Township Zoning Officer.
- (3) In Subsection C, "Board of Supervisors or the Township Manager" is changed to "Township." Said subsection is further amended to change \$300 to \$1,000 and 30 days to 90 days.

## **Chapter 232, Mobile Home Parks.**

A. Section 232-1.

- (1) The definitions of "dependent mobile home" and "service building" are repealed.
  - (2) The term "independent mobile home" is changed to "mobile home."
- B. Sections 232-3E and 232-4C are amended to delete fee amounts and instead state, "fee in an amount as set by resolution of the Board of Supervisors."
- C. Section 232-5D is amended to delete "service buildings and."
- D. Section 232-17B is amended to read: *Each mobile home space shall contain a minimum of 20,000 square feet, and shall be at least 60 feet wide.*
- E. Original Section 20, Clothes drying, of Ord. No. 24, is repealed.

- F. Original Section 22, Service buildings, Section 23, Construction of service buildings, and Section 24, Laundry facilities, of Ord. No. 24, are repealed.
- G. Section 232-21 is amended to add a new Subsection B thereto: *All water connections and service in the mobile home park shall comply with state and county water service laws and regulations. To the extent any of these provisions are inconsistent with rules and regulations of the Chester County Health Department, the Chester County Health Department's rules and regulations shall supersede and be controlling.*
- H. Section 232-22A is amended to read: *All plumbing in the mobile home park shall comply with state and county plumbing laws and regulations. To the extent any of these provisions are inconsistent with rules and regulations of the Chester County Health Department, the Chester County Health Department's rules and regulations shall supersede and be controlling.*
- I. Section 232-24 is amended to change “ordinances” to “regulations.”
- J. Section 232-26B is amended to read, in part: “...purposes is available in the mobile home park, and shall also comply with state and local fire code and regulations applicable to such fire protection.”
- K. Original Section 35, Effective date, of Ord. No. 24, is repealed.

## **Chapter 244, Nuisances.**

Section 244-9E is amended to read: *Maintaining two or more motor vehicle nuisances, except where such vehicles are maintained in a lawful vehicle repair shop or as part of a licensed and lawfully compliant junkyard.*

## **Chapter 261, Property Maintenance.**

This chapter is adopted to read as follows:

### **§ 261-1. Adoption by reference.**

*There is hereby adopted by the Board of Supervisors of West Caln Township the International Property Maintenance Code, 2018 Edition, as now and as hereafter supplemented, reissued, amended and revised, as published by the International Code Council, Inc. Not fewer than three copies of the International Property Maintenance Code, 2018 Edition, are filed in the office of the Secretary of West Caln Township, and the same is hereby adopted and incorporated as fully as if set out at length herein.*

### **§ 261-2. Enforcement; designation of Code Official.**

*For the purposes of enforcing the 2018 Edition of the International Property Maintenance Code, the Code Enforcement Officer of West Caln Township is hereby designated as the Code Official.*

### **§ 261-3. Revisions.**

*The following sections of the newly adopted 2018 International Property Maintenance Code are further revised, or language inserted as follows:*

*A. Section 101.1 Insert: West Caln Township.*

*B. Section 103.5 shall be removed and replaced with the following language:*

*"103.5. Fees. The fees for activities and services performed by the Code Enforcement Officer and Township staff in carrying out its responsibilities under this code shall be according to the fee schedule as adopted by the West Caln Township Board of Supervisors by resolution, which may be amended from time to time by subsequent resolution."*

*C. Section 106.4 shall be deleted in its entirety and replaced with the following:*

*"106.4 Violations and penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof shall be guilty of a summary offense, punishable by a fine of not more than \$1,000 per day, plus costs and attorney's fees, and upon default of the payment of the fine and costs, imprisonment not to exceed 30*

*days. Each day that a violation continues shall be deemed a separate offense."*

*D. Section 111, Means of Appeal, shall be deleted and replaced with the following:*

*"The Township designates the Western Chester County UCC Regional Board of Appeals as the Board of Appeals for the Township who shall hear appeals from decisions of the Code Enforcement Officer which are filed pursuant to the Code and also appeals from the Township's Building Code. Such an appeal shall be filed within 20 days after the decision, notice or order was served. The appeal form, and all documents related to same, are readily available at Township offices, and may also be posted on the Township's website."*

*E. Section 112.4. Insert: \$150 and \$1,000.*

*F. Section 302.4. Insert: 10 inches.*

*G. Section 304.14. Insert: APRIL 1st - SEPTEMBER 30th.*

*H. Section 602.3. Insert: OCTOBER 15th - MARCH 15th.*

*I. Section 602.4. Insert: OCTOBER 15th - MARCH 15th.*

**§ 261-4. Additions.**

*The following new provisions shall also be inserted as Section 302.4.1 to the International Property Maintenance Code, 2018 Edition, as adopted by the Township:*

*"Section 302.4.1.*

*A. Removal of diseased or dangerous trees from public streets and public rights-of-way.*

*1. The property owner or person in possession and control of property within the Township shall be responsible for maintaining any and all trees, branches, vines, shrubs and other landscaping on their property so that they do not unreasonably affect or interfere with the health, safety or welfare of the public or the right of the public to the unobstructed use of the public roads or public property. If the condition of any tree, branch, vine, shrub or other landscaping on private property in the Township, because of disease or otherwise, unreasonably affects or interferes with the health, safety or welfare of the public or the right of the public to the unobstructed use of the public roads or property, the Township shall send written notice via certified mail to the property owner or person in possession and control of the property ordering that such obstruction be cut and/or removed from the public road or public property within 30 days from receipt of the notice. Upon failure of the property owner to remove the obstruction, the property owner shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. If the property owner fails to remove such obstruction within 30 days, the Township may enter the property and remove the obstruction. Thereafter, the Township's cost of cutting and/or removing the obstruction shall be billed to the property owner or the person in possession and control of the property and shall be due and payable within 10 days of the date the Township bills the property owner for the cost of the cutting and/or removal of the obstruction. If the amount of the bill is not paid within 10 days, all amounts due and owing shall be deemed to be delinquent and shall be subject to a penalty of 10% of the amount billed.*

*2. If the billing is not paid within 15 days, the Township may file an action in assumpsit or any proceeding otherwise provided by law to recover the amount of the delinquent bill together with any costs, attorney's fees or expenses, or may file a municipal lien against the property pursuant to the procedure established in the Pennsylvania Municipal Lien Law for any amounts due and owing the Township. Such lien shall be collected in the manner provided for by law for the filing and collection of such municipal liens. All of the Township's remedies shall be cumulative.*

*3. In the event that a tree, branch, vine, shrub or other landscaping has fallen into the Township right-of-way and obstructs the use of the public roads or is creating a hazardous condition which requires immediate attention, the Township is authorized to immediately remove the obstruction from the right-of-way and bill the property owner for the cost of removing the obstruction."*

**Chapter 283, Sewers and Sewage Disposal.**

Section 283-22B is amended to change penalty to match statutory levels of \$500 to \$5,000 plus costs and/or up to 90 days in jail.

**Chapter 296, Streets and Sidewalks.**

- A. Section 296-3 is amended to update the statutory authority to refer to 53 P.S. § 67322.
- B. Section 296-4 is amended to change the requirement that an application be submitted in "triplicate" to "duplicate" and "three copies" to "two copies."
- C. Section 296-4 is amended, in part, as follows: " ...a fee in accordance with the schedule of fees set forth by the Department of Transportation for processing the application and another fee for making the inspection. Each application shall be accompanied by both fees. In addition...."
- D. Section 296-7 is amended to add, "In addition to that inspection, the Board of Supervisors or its agents may reinspect the work not more than two years after its completion, and if any settlement of the road surface or other defect appears in the work contrary to the conditions, restrictions and regulations of the Township, the Board of Supervisors may enforce compliance therewith" immediately preceding "Where any settlement or defect in the work occurs...."
- E. Section 296-7 is amended to add: "Defects which present imminent safety or health problems shall be rectified within 48 hours."
- F. Section 296-8 is added:

§ 296-8. Emergency repairs.

*Nothing in this article shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for the permit and the fees shall be submitted within five days after completion of the work, after which time the remaining provisions of this article apply.*

- G. Section 296-10 is amended as follows:

*A. This article is adopted in order to better insure the safety of the residents of West Caln Township, to prevent the dangers caused by ice, snow and stormwater runoff from driveways onto Township and state highways, to assure appropriate clear site triangles at intersections, and to address other problems caused by the design and placement of unregulated intersections. It shall apply to all new driveway construction and to improvements to existing driveways. Driveway improvements subject to this article include paving (only if current driveway is dirt), ~~repaving, widening for purposes of adding another lane,~~ above ~~of~~ or below ground gutter drains and/or changing or modifying a driveway entrance.*



*B. The term driveway, as used in this article does not include field access entrances used for agricultural purposes if this access is dirt and remains dirt.*

*C. These provisions do not apply to normal maintenance of existing gravel driveways, such as adding additional gravel, or the like.*

H. Section 296-11B is amended as follows:

*A permit application shall be submitted to the Township by the landowner prior to commencing work on any driveway. The application shall be on forms provided by the Township. The application shall be accompanied by a filing fee and escrow deposit as may be established by resolution of the Board of Supervisors from time to time. ~~or as mandated herein.~~*

I. Sections 296-11 and 296-12 are amended to change instances of “Township Engineer” to “Township Zoning Officer.”

J. Section 296-14A is amended as follows:

*The Board of Supervisors may adopt, by resolution, a fee schedule for purposes of the application and review process. In addition, an applicant ~~must~~ may be required to post a security deposit in an amount as determined by resolution of the Board of Supervisors on the recommendation of the Township Engineer to be escrowed with the Township for the purposes of insuring full compliance with and completion of the driveway specifications as established hereunder.*

## **Chapter 300, Subdivision and Land Development.**

A. Section 300-520C is amended to read, in part: “...transferred directly to the local fire company designated by the Township Supervisors for the express purpose of purchasing additional firefighting equipment.”

B. Section 300-614A(1) is amended to update the statutory reference to 35 P.S. § 1329.1 et seq.

C. Section 300-806 is amended to read:

*Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of West Caln, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge 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 Magisterial District Judge, and thereafter, each day that a violation continues shall constitute a separate violation.*

## **Chapter 308, Taxation.**

Article I, Earned Income Tax, is amended in its entirety to read as follows:

**§ 308-1. Definitions.**

*All terms defined in the Local Tax Enabling Act<sup>1</sup> shall the meanings set forth herein. 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, 2011.*

*GOVERNING BODY — The Board of Supervisors of West Caln Township.*

*LOCAL TAX ENABLING ACT — The Local Tax Enabling Act, as set forth in 53 P.S. § 6924.101 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 AUTHORITY — West Caln Township.*

*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.*

*TCC — The Tax Collection Committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.*

*TCD — Any tax collection district to which the taxing authority or any part of the taxing authority is assigned under the Local Tax Enabling Act.*

*THIS ENACTMENT — This article.*

**§ 308-2. Imposition of tax; rate.**

*A. General purpose resident tax. The taxing authority hereby imposes a tax for general revenue purposes at the rate of 1% on earned income tax and net profits of individual residents of the taxing authority.*

*B. 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.*

*C. 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.*

*D. 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 the municipality in which the individual resides, is 1%.*

*E. 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%.*

*F. Local Tax Enabling Act applicable. The tax 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 in this enactment. Any future amendments to the Local Tax Enabling Act are required to be applied to a tax on earned income, and net profits will automatically become part of this enactment upon the effective date for such amendment, without the need for formal amendment of this enactment, to the maximum extent allowed by 1 Pa.C.S.A. § 1937.*

*G. 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.*

**§ 308-3. Exemptions.**

*Although credits and deductions against the tax are permitted under certain circumstances as provided in applicable law and regulations, no individuals are exempt from tax based on age, income, or other factors.*

**§ 308-4. Tax returns and payments.**

*Every individual receiving earned income or earning net profits in any tax year shall file*

*tax returns and pay tax in accordance with the Local Tax Enabling Act.*

**§ 308-5. Employer withholding, remittance, and tax returns.**

*Every employer shall register, withhold, and remit tax, and file tax returns in accordance with the Local Tax Enabling Act.*

**§ 308-6. Collection of tax.**

*The tax will be collected from individuals and employers by the collector.*

**§ 308-7. 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.*

**§ 308-8. Purpose; effect on prior provisions.**

*The primary purpose of this enactment is to confirm the earned income and net profits 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 profit 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 the 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 and penalty or to punish an offense under the authority of any enactment in force prior to adoption of this enactment. Subject to the foregoing provisions of this section, this enactment shall amend and restate on the effective date any enactment levying a tax on earned income and net profits in force immediately prior to the effective date.*

## **Chapter 324, Vehicles and Traffic.**

**A. Section 324-2 is added:**

**§ 324-2. Violations and penalties.**

*Any person who violates a provision of this article shall, upon conviction, be subject to the appropriate penalties set forth in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 3365(c)(2), for each provision so violated.*

**B. Section 324-5 is amended to read:**

**§ 324-5. Violations and penalties.**

*Any person who violates a provision of this article shall, upon conviction, be subject to the appropriate penalties set forth in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 4902(g)(1), for each provision so violated.*

**C. Section 324-12 is amended to read:**

**§ 324-12. Violations and penalties.**

*Any person who violates a provision of this article shall, upon conviction, be subject to the appropriate penalties set forth in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 6502, for each provision so violated.*

## **Chapter 350, Zoning.**

A. Section 350-102 is amended as follows:

*This chapter is enacted to implement the spirit and intent of the ~~1998~~ West Caln Township Comprehensive Plan...*

B. Section 350-107 is amended to add effective date March 4, 2006.

C. In § 350-201C, the definition of “junkyard” is amended to read: *An area of land with or without buildings used for storage of used and discarded materials, including but not limited to, wastepaper, rags, metal building materials, home furnishings, machinery, vehicles or parts thereof, with or without the dismantling processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, is considered a junkyard.*

D. Section 350-401.

(1) Subsection A(11) is added: Residential accessory use, as per § 350-1101C.

(2) Subsection B is amended to read:

*Uses by special exception. A building may be erected altered or used and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:*

*(1) Bed-and-breakfast, as per § 350-1107.*

*(2) Single-family detached dwelling on a nonfarm tract or lot, as per the requirements of this article.*

*(3) Major home occupations, as per § 350-1101C(12).*

(3) Subsection C is added:

*Uses by conditional use. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions.*

*(1) Place of worship or religious use, as per § 350-1131.*

*(2) Additional farm-related dwelling, as per § 350-402B and § 350-1101B(9).*

*(3) Veterinary clinic and animal shelter, with or without kennels, as per § 350-1120.*

*(4) Kennel, as per § 350-1120.*

*(5) Riding academy and stables, as per § 350-1134.*

*(6) Residential conversion of a single-family detached dwelling into a two or three family dwelling, as per § 350-1132.*

## E. Section 350-501.

## (1) Subsection B is amended to read:

*Special exception uses. A building or other structure may be erected or used, and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:*

- (1) Major home occupation, as per § 350-1101C(12).*
- (2) Bed-and-breakfast, as per § 350-1107.*
- (3) Cemetery, as per § 350-1108.*

## (2) Subsection C is amended to read:

*Conditional uses. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:*

- (1) Intensive agricultural use, as per § 350-1103.*
- (2) Veterinary clinic, with or without kennels, as per § 350-1120.*
- (3) Kennel, as per § 350-1120.*
- (4) Riding academy and stables, as per § 350-1134.*
- (5) Place of worship or religious use, as per § 350-1131.*
- (6) Supplemental dwelling unit, as per § 350-1101C(13).*
- (7) Commercial or institutional accessory use, as per § 350-1101D and E.*
- (8) Recreational use, as per § 350-1129.*
- (9) Two principal uses on the same lot subject to the following conditions:*
  - (a) Only one principal use may be a permitted residential use;*
  - (b) Sufficient land area shall exist on the lot to enable each principal use to each separately comply with applicable area and bulk requirements, except that yard setbacks need only be measured from the perimeter of the lot and not between individual principal uses;*
  - (c) Adequate sewage disposal and water capacity shall be provided.*
- (10) When built in an existing historic resource, single-family semidetached dwelling (twin), single-family attached dwelling (townhouse), two-family detached dwelling (duplex) shall be permitted, as per § 350-1138.*
- (11) Educational use, as per § 350-1112.*
- (12) Club or lodge, as per § 350-1109.*

## F. Section 350-503B(5)(f) is amended as follows:

*Other **similar** uses compatible with a residential development, ~~as approved by the Board of Supervisors.~~*

## G. Section 350-601.

## (1) Subsection A(2) is amended to read:

*Single-family detached dwelling under the cluster residential development option, as per §§ 350-602A and 350-603. Single-family detached dwelling under the conventional development option, as per §§ 350-602B and 350-604.*

## (2) Subsection B is amended to read:

*Special exception uses. A building or other structure may be erected or used, and a lot may be used or occupied when authorized as a special exception by the Zoning*

*Hearing Board for any one of the following uses ad in accordance with the requirements of this article and other applicable provisions:*

- (1) Bed-and-breakfast, as per § 350-1107.*
- (2) Funeral home, as per § 350-1113.*
- (3) Major home occupation, as per § 350-1101C(12).*

(3) Subsection C is amended to read:

*Conditional uses. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:*

- (1) Club or lodge, as per § 350-1109.*
- (2) Intensive agricultural use, as per § 350-1103.*
- (3) Riding academy and stables, as per § 350-1134.*
- (4) Place of worship or religious use, as per § 350-1131.*
- (5) Supplemental dwelling unit, as per § 350-1101C(13).*
- (6) Commercial or institutional accessory use, as per § 350-1101D and E.*
- (7) Mixed residential use development under the cluster development option, as per § 350-602C.*
- (8) Mixed residential use development under the conventional development option as per § 350-602C.*
- (9) Recreational use, as per § 350-1129.*
- (10) Educational use, as per § 350-1112.*
- (11) When built in an existing historic resource listed on the West Caln Township Historic Sites Survey, single-family semidetached dwelling (twin), single-family attached dwelling (townhouse), two family detached dwelling (duplex) shall be permitted, as per § 350-1138.*
- (12) Nursing home, life care facility, or retirement community, as per § 350-1125.*
- (13) Mobile home park, as per § 350-1123.*

H. Section 350-603B(5)(f) is amended as follows:

*Other **similar** uses compatible with a residential development, ~~as approved by the Board of Supervisors.~~*

I. Section 350-801.

(1) Subsection B is amended to read:

*Special exception uses. A building or other structure may be erected or used, and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:*

- (1) Club or lodge, as per § 350-1109.*
- (2) Funeral home, as per § 350-1113.*

(2) Subsection C is amended to read:

*Conditional uses. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:*

- (1) Supplemental dwelling unit, as per § 350-1101C(13).*
- (2) Automobile sales, as per § 350-1105.*
- (3) Recreational use, as per § 350-1129.*

- (4) Gasoline and/or service station, as per § 350-1114.
- (5) Hotel or motel, as per § 350-1116.
- (6) Educational use, as per § 350-1112.
- (7) Cemetery, as per § 350-1108.
- (8) Nursing home, life care facility, or retirement community, as per § 350-1125.
- (9) A combination of commercial uses on the first floor and residential uses on the upper floors(s), as per § 350-1122, on a single lot within a single building. Each use shall meet the minimum square footage and lot size requirements for individual uses in this district. Mixed uses encourage the retention and conversion of existing structures and allow newer structures in a compatible development pattern, while encouraging directing and concentrating uses in an appropriate area of the Township.

J. Section 350-901.

(1) Subsection B is amended to read:

*Special exception uses. A building or other structure may be erected or used, and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:*

- (1) Recycling center, as per § 350-1130.
- (2) Gasoline and/or service station, and/or car wash, as per § 350-1114.
- (3) Commercial, industrial, or institutional accessory use, as per § 350-1101D and E.

(2) Subsection C is amended to read:

*Conditional uses. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:*

- (1) Production, manufacturing, and processing operations of materials, goods, foods and products.
- (2) Public service facility.
- (3) Trucking terminal.
- (4) Auto body shop.
- (5) Yard for storage, sale or distribution of lumber of building materials.
- (6) Recreational use, as per § 350-1129.
- (7) Junkyard, as per § 350-1119.
- (8) Crematorium or mortuary.
- (9) Laboratory for scientific research, testing, and development.
- (10) Intensive agricultural use as per § 350-1103, including dwelling of the owner/ operator of the farm, when an accessory use to the agricultural use.
- (11) Commercial agricultural-support business, including facilities for the commercial processing and warehousing or agricultural products, commercial slaughtering or rendering operations, and facilities for the warehousing, sales, and service of agricultural equipment or supplies, as per § 350-1103.
- (12) Industrial or office park consisting of two or more uses, as per § 350-1118.
- (13) Wholesaling, warehousing and distribution.
- (14) Light manufacturing involving assembly, fabrication, compounding or finishing of products from previously manufactured or processed materials.
- (15) Printing, publishing, or photocopying facility.
- (16) Packaging or cleaning operation, including dry cleaning plant.
- (17) Individual professional, business, administrative, or medical office, as per § 350-1117.
- (18) Municipal use.



- (19) Adult commercial use, as per § 350-1102.
- (20) Quarrying and mining operation, as per § 350-1128.
- (21) Municipal sanitary landfill, as per § 350-1121.
- (22) Transfer station, as per § 350-1137.
- (23) Craftsman, trade, repair, contractor shop or office, such as carpentry, plumbing, welding, electrical, or machine shop.
- (24) Educational use (commercial)/trade school, as per § 350-1112.
- (25) Automotive or truck sale, as per § 350-1105.
- (26) Motel or hotel and/or conference facility, as per § 350-1116.
- (27) Self-storage units/mini-warehouse use, as per § 350-1135.
- (28) Drive-through service, as per § 350-1111.
- (29) Shopping center, as per § 350-1136.
- (30) Multifamily development option, as per § 350-902C and § 350-1124.
- (31) Mobile home park, as per § 350-1123.
- (32) Any other use of a similar character of those permitted in this district.

K. Section 350-1101B(9) is amended as follows:

*Additional farm-related dwelling. Additional farm dwellings, as permitted by special exception in the Agricultural Preservation District, shall be subject to the following regulations:*

L. Section 350-1101C(3)(e) is amended to add the following sentence thereto: *In addition to the above requirements, all fences, barriers and gates for swimming pools shall comply with the applicable requirements of the Uniform Construction Code including more stringent requirements related to safety.*

M. Section 350-1101C(13)(a) is amended to read as follows:

*A supplemental dwelling unit shall be permitted only in single-family detached dwellings, and is only permitted by special exception.*

N. Section 350-1103A(7) is amended to change Nutrient Management Act to Nutrient Management and Odor Management Act, 3 Pa.C.S.A. § 501 et seq.

O. Section 350-1112 is amended as follows:

**§ 350-1112. Educational use.**

*Educational uses shall be permitted by conditional use when in accordance with the following standards:*

- A. Public or private nonprofit school. A public or private nonprofit school (one which is not conducted as a private gainful business) and is licensed under the proper governmental authority shall be subject to the following provisions:*
  - (1) *Access shall be taken from a collector or arterial road, as designated in the Comprehensive Plan, and as herein defined.*
  - (2) *The minimum required lot size shall be by conditional use, dependent on the type and intensity of educational use.*
  - (3) *Outdoor play or recreation areas adjacent to a residential use or district shall be a minimum of 75 feet from side and rear property lines and shall be sufficiently screened to minimize disturbance of residential areas. Outdoor play or recreation areas adjacent to a nonresidential use or district shall be a minimum of 50 feet from side and rear property lines.*

P. Section 350-1115B is amended to read as follows:

*Major home occupation. A home occupation that does not meet one or more of the criteria listed under Subsection A above shall be defined as a major home occupation/major home-based business. Major home occupations shall be permitted only ~~by special exception in those zoning districts where major home occupations are permitted and~~ when other applicable criteria of this section and chapter can be met.*

Q. Section 350-1119.

- (1) Subsection A is amended to read: The tract serving as a junkyard or salvage yard shall contain a maximum of 40,000 square feet undivided by streets, streams, or rights-of-way. No part of the operation shall be located within the any designated floodplain are or within 100 feet of any river, stream, run, creek, irrigation ditch or other natural watercourse.
- (2) Subsection E is amended to read: The area where junk and any other material is stored shall be enclosed with a wall or fence at least six feet in height and which is designed and constructed so as to be at least 90% solid or opaque. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business. An effective year-round screen shall be provided pursuant to the screening and landscaping provisions in § 350-1206.
- (3) Subsection F is amended to change eight feet to six feet and 10 feet to eight feet.
- (4) Subsection G is amended to change 50 feet to 25 feet.
- (5) Subsection J(2) is amended to change 35 feet to 15 feet and six inches to 10 inches.
- (6) Subsection M is amended to add a reference to Chapter 294, Stormwater Management, to the end thereof.

R. Section 350-1304.

- (1) Subsection A is amended as follows:

*Reserve parking area. To reduce unnecessary impervious surface coverage and excess stormwater runoff, the number of required parking spaces may be reduced when authorized ~~as a special exception by the Zoning Hearing Board~~ by conditional use when the following are met:*

- (2) Subsection B is amended as follows:

*Shared parking facilities between uses. The number of required parking spaces for commercial, institutional, and industrial uses required by this chapter may be modified when authorized by ~~special exception by the Zoning Hearing Board~~ conditional use. Three or more...*

- (3) Subsection C(5) is amended as follows:

*The applicant(s) shall provide sufficient legal documentation, ~~as required by the Zoning Hearing Board,~~ to assure...*

- (4) Original subsection 1304D, regarding a hardship exception to off-street parking requirements, of Ord. No. 1-06 is repealed.

S. Section 350-1612 is added to read as follows:

A. Definitions.

The term "building," as used in this section, shall include the definition set forth in § 350-201, Definitions of this chapter and includes any structure which is intended for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

B. Determination of permitted uses.

Prior to the occupancy, use or change in use of land and prior to the occupancy, use or change in use of any building or portion thereof, there shall be a determination by the West Caln Township Zoning Officer that the intended use of the land and/or building or portion thereof is a permitted use pursuant to the terms and provisions of this chapter, as amended from time to time, as regards to use regulations, yard, area and height regulations, special regulations, special development regulations, landscaping regulations, sign regulations, off-street parking and loading requirements, performance requirements and waste storage and disposal requirements.

C. Issuance of zoning use approval.

- (1) Upon written request by the owner of any land or building and the payment of the required fee, the Zoning Officer shall issue a zoning use approval for any land or building or portion thereof which complies with the requirement of § 350-1612B of this chapter.
- (2) All written requests for zoning use approval shall be accompanied by a permit fee in the amount as set forth from time to time by resolution of the Board of Supervisors.
- (3) A zoning use approval required by this chapter shall be in addition to any and all other approvals required by the ordinances of the Township of West Caln prior to the occupancy, use or change in use of any land or building or portion thereof.

- T. Section 350-1700 is amended to repeal Subsection B(2), regarding challenges to validity of ordinance or Zoning Map.