

ORDINANCE NO. 37

AN ORDINANCE AMENDING THE WORCESTER TOWNSHIP ZONING ORDINANCE, AS AMENDED, AND THE ZONING MAP ATTACHED THERETO

Be it ordained and enacted by the Board of Supervisors of the TOWNSHIP OF WORCESTER, and it is hereby ORDAINED AND ENACTED by authority of the same:

SECTION 1. That the following described area, presently zoned "R-Ag-175 RESIDENTIAL-AGRICULTURAL DISTRICT" shall be and the same is hereby redesignated and reclassified as "LI LIMITED INDUSTRIAL DISTRICT" on the zoning map attached to and forming a part of the zoning ordinance of WORCESTER TOWNSHIP, as amended:

BEGINNING at a stone set for a corner formed by the intersection of the middle line of Morris Road and the middle line of LR-46130, thence extended along the middle line of Morris Road south fifty-one degrees forty-five minutes east eighteen hundred and ninety-six feet to a point in line of land now or late of John D. Wampole, thence extending along last mentioned land south forty-four degrees twenty-four minutes west six hundred and ten hundredths feet to a point in line of land now or late of John Kriebel; thence extending along last mentioned land the next two courses and distances, (1) north fifty-one degrees forty-five minutes west ten hundred and fifty-eight and sixth-two hundredths feet to a point in line of other land of Benjamin F. Kulp and Susie B., his wife, (2) south forty-one degrees forty-five minutes west nine hundred thirty-two and fifty-three hundredths feet more or less to the northeastern most right of way line of the Pennsylvania Turnpike; thence extending along the northeasterly line of Pennsylvania Turnpike, northwardly nine hundred seventy-seven feet more or less to a point in the centerline of LR-46130; thence extending along the center line of LR 46130 the next two courses and distances, viz; (1) north forty-two degrees forty-five minutes east four hundred feet more or less to a point and (2) north thirty-nine degrees fifteen minutes east five hundred and ninety-four feet to the first mentioned point and place of beginning,

CONTAINING thirty-eight and sixty -four hundredths acres of land more or less.

SECTION 2. This ordinance shall in no other way alter, effect or modify the Worcester Township zoning ordinance of 1953, as amended, or the map attached thereto, and shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED this 14th day of January, 1963.

WORCESTER TOWNSHIP BOARD OF SUPERVISORS

L. A. DETWILER
CLAUDE H. BEYER
RUSSELL H. PLACE

ORDINANCE NO. 38

AN ORDINANCE AMENDING THE WORCESTER TOWNSHIP ZONING
ORDINANCE, AS AMENDED, AND THE ZONING MAP ATTACHED
THERETO

Be it ORDAINED and ENACTED by the Board of Supervisors of
the TOWNSHIP OF WORCESTER, and it is hereby ORDAINED and ENACTED
by authority of the same:

Section 1. That the following described area, presently zoned
"R-Ag-175 RESIDENTIAL-AGRICULTURAL DISTRICT" shall be and the same
hereby is redesignated and reclassified as "LI LIMITED INDUSTRIAL
DISTRICT" on the zoning map attached to and forming a part of the
zoning ordinance of WORCESTER TOWNSHIP, as amended:

BEGINNING at a stake in Berks Road, a public road,
a distance of approximately six hundred and six
tenths feet southwest of the center line of Morris
Road, and in line with land of Austin Schultz, thence
along Berks Road south forty-two degrees forty
minutes west one hundred thirteen and six tenths per-
ches to a stake a corner of land now or late of C. &
C. Kibblehouse, thence by the same the following
four courses and distances, viz: north forty-seven
degrees five minutes west thirty-two perches to a
stone; thence north forty-three and one-half degrees
east thirty-seven and eighty-eight hundredths perches
to a stone, thence north eleven and one-quarter
degrees west twenty-two perches to a hickory tree;
thence north forty-eight degrees twenty-five minutes
west forty-five and thirty-six hundredths perches to
a stone corner of land now or late of Benjamin Kriebel;
and thence by the same north forty-three and one-half
degrees east sixty-two and ninety-six hundredths perches
to a stake in line of land now or late of James W. Slough;
thence by the same and land now or late of Joel Kriebel
south forty-seven degrees thirty-five minutes east
ninety-three and six tenths perches to the place of
beginning.

CONTAINING forty-seven acres and ninety perches of land,
more or less.

EXCEPTING THEREOUT two parcels of land taken by the
Pennsylvania Turnpike Commission as shown on plan,
under date of March 1, 1954, and referred to as
R/W number 6459, containing a total acreage of ninety-five
hundredths.

A L S O

THE FOLLOWING DESCRIBED LAND

BEGINNING at a point in line of the easterly side of the
right-of-way line of the Pennsylvania Turnpike (Northeast
Extension) and approximately six hundred and sixty feet
in a northerly direction from Berks Road and being in line
of land now or late of Harvey and Idella Kriebel, thence
along the said right-of-way line in a northerly direction
for a distance of approximately ten hundred and sixty feet
to a point in line of land now or late of Harvey and Idella
Kriebel; thence in a southeasterly direction along land now
or late of Harvey and Idella Kriebel for a distance of
approximately five hundred and eighty feet to a point, thence

continuing along land now or late of Harvey and Idella Kriebel in a southerly direction for a distance of approximately three hundred and sixty feet to a point; thence continuing along land now or late of Harvey and Idella Kriebel in a southwesterly direction for a distance of approximately four hundred feet to a point and place of beginning. CONTAINING approximately five and seven tenths acres of land more or less.

Section 2. This ordinance shall in no other way alter, effect or modify the Worcester Township zoning ordinance of 1953, as amended, or the map attached thereto, and shall become effective five (5) days after enactment, as provided by law.

ENACTED and ORDAINED this 8th day of April 1963.

WORCESTER TOWNSHIP BOARD OF SUPERVISORS

L. A. DETWILER

CLAUDE H. BEYER

Russell A. Place

ORDINANCE # 39

WORCESTER TOWNSHIP

REAL ESTATE TRANSFER TAX ORDINANCE

AN ORDINANCE TO PROVIDE REVENUE FOR GENERAL TOWNSHIP PURPOSES BY IMPOSING, ASSESSING AND LEVYING A TAX UPON TRANSFERS AND CONVEYANCES OF ANY LAND, TENEMENTS OR HEREDITAMENTS, OR ANY INTEREST THEREIN, AND UPON THE PRIVILEGE OF TRANSFERRING AND CONVEYING LANDS, TENEMENTS OR HEREDITAMENTS, OR ANY INTEREST THEREIN, SITUATE WHOLLY OR PARTLY WITHIN THE TOWNSHIP OF WORCESTER, MONTGOMERY COUNTY, PENNSYLVANIA; IMPOSING DUTIES AND CONFERRING POWERS ON THE SECRETARY AND TREASURER OF THE SCHOOL DISTRICT AND THE TOWNSHIP; PROVIDING FOR THE PAYMENT OF THE SAID TAX; PRESCRIBING THE METHOD AND MANNER OF COLLECTING THE TAX IMPOSED, ASSESSED AND LEVIED; PROVIDING CERTAIN EXEMPTIONS AND IMPOSING PENALTIES FOR THE NON-PAYMENT THEREOF

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Worcester, and the said Board of Supervisors has ordained that a tax for revenue for general Township purposes be and hereby is imposed, assessed and levied, pursuant to the authority granted by Act #481 approved June 25, 1947, P. L. 1145 and thereafter amended, as is hereafter provided.

SECTION I: This Ordinance shall be known and may be cited as "REALTY TRANSFER TAX ORDINANCE OF 1963".

SECTION II: DEFINITIONS. The following words or phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except where the context indicates a different meaning:

(a) Association - Any partnership, limited partnership or other form of unincorporated enterprise, owned or conducted by two or more persons.

(b) Corporation - A corporation or joint stock association organized under the laws of the Commonwealth of Pennsylvania, the United States or any other state, territory or foreign country or dependency.

(c) Political Sub-division - Township of Worcester, Montgomery County, Pennsylvania.

(d) Tax - the tax levied, assessed and imposed in this Ordinance.

(e) Document - Any deed, instrument or writing whereby any land, tenements or hereditaments,

wholly or partly within the Township of Worcester, or any interest therein, whether or not executed, acknowledged or delivered within this Township and regardless where the instrument making the transfer is made, executed or delivered, shall bargain, grant, convey, sell, assign or otherwise vest in any person, except wills, mortgages, leases and under the Intestate Laws of the Commonwealth of Pennsylvania.

(f) Person - Every natural person, co-partnership, association or corporation. Whenever used in any clause prescribing or imposing a penalty or both, the term "PERSON" as applied to co-partnerships or associations shall mean the partners or members thereof and as applied to corporations the officers thereof.

(g) Treasurer - The Treasurer of the School District of the Township of Worcester.

(h) Transfer - Any transaction, act, settlement, proceeding or process, regardless where the instrument making the transfer is made, executed or delivered, whereby any lands, tenements, hereditaments or other real property or any interest therein, situate wholly or partly within the Township of Worcester, shall be transferred, conveyed, assigned or otherwise vested, excepting transfers by wills, mortgages, leases or under the Intestate Laws.

(i) Value - In the case of any transfers involving the granting, bargaining, selling or otherwise conveying of any land, tenement or hereditament, or interest therein, the amount of the actual consideration therefore, including liens or other encumbrances thereon, and ground rents, or an commensurate part of the liens or other encumbrances thereon and ground rents where such liens or other encumbrances and ground rents also encumber or are charged against other lands, tenements or hereditaments; provided that where the document used in connection with the transfer shall set forth a small or nominal consideration, the value thereof shall be determined from the price set forth in or actual consideration for the contract of sale or, in the case of a gift from the actual monetary worth of the property granted, bargained, sold or otherwise conveyed, which in either event shall not be less than the amount of the highest assessment of lands, tenements or hereditaments for local tax purposes.

SECTION III: TAX RATE - A tax to provide revenue for general Township purposes is hereby levied, assessed and imposed on every transaction, transfer or privilege arising therefrom, whereby any lands, tenements or hereditaments, or any interest

therein lying, being and situate wholly or partly within the boundaries of the said Township shall be granted, bargained, sold or otherwise conveyed after the effective date of this Ordinance at the rate of one per cent (1%) of the value of the real property transferred or conveyed, payable at the time the transfer is completed or concluded, regardless where the settlement takes place, PROVIDED, that in the case of any lands, tenements or hereditaments, or any interest therein, located partly within and partly without the boundaries of the said Township, such tax is imposed, assessed and levied upon the value of that portion of such lands, tenements or hereditaments, or any interest therein lying within the boundaries of the Township.

SECTION IV: EXEMPTIONS - Any transfers wherein either of the parties is a corporation, association or trust organized, operated and maintained solely and exclusively for charitable and religious purposes or wherein one of the parties is the Commonwealth of Pennsylvania or any municipal sub-division thereof, or transfers between husband and wife, between parent and child or the spouse of such child is exempted from tax and in transactions involving a transfer to and a transfer from a straw party for the sole purpose of creating a mortgage debt and/or restrictions upon the property transferred, only one tax shall be collected which shall be based upon the full assessed value of the property so transferred .

SECTION V: TAX LIABILITY - The tax imposed hereby shall be payable by either the transferor, transferee or both named in the document evidencing a transfer at the time of the making and executing of the said document, except transfers exempted by definition under Section IV hereof shall not be taxable.

SECTION VI: STAMPS - The payment of the tax imposed by this Ordinance shall be evidenced by a Documentary Stamp or Stamps affixed to every deed and cancelled by appropriate markings in ink or by a stamped impression or a certificate affixed to every document evidencing a transfer, and evidencing the fact that the tax has been received by the Treasurer or his duly authorized agent.

SECTION VII: TREASURER'S DUTY TO FURNISH STAMPS - Treasurer shall procure, prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this Ordinance. The said Treasurer shall make provisions for the sale of such stamps in such places as he

may deem necessary. The Treasurer may appoint persons within or without the Township as agents for the sale of stamps to be used in paying the tax imposed herein or for the purpose of affixing the rubber stamp impression or tax certificate to the document of transfer.

SECTION VIII: APPOINTMENT OF ASSISTANT OR DEPUTY - The Supervisors of the Township, or the Treasurer, by and with the consent of the Supervisors, may from time to time provide such other means of collecting this tax or of evidencing payment thereof to the Treasurer as may be considered appropriate; and in order to facilitate and expedite the payment or collection of the tax, the Treasurer by and with the consent of the Board of Supervisors may appoint one or more responsible persons as his agent or agents.

SECTION IX: ENFORCEMENT AND ADOPTION OF RULES BY TREASURER - The Treasurer is hereby charged with the enforcement of the provisions of this Ordinance and is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to:

- (a) The method and means to be used in affixing or cancelling of stamps in substitution for, or in addition to, the method and means provided in this Ordinance.
- (b) The denominations and sale of stamps.
- (c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this Ordinance.

SECTION X: DOCUMENT SHALL CONTAIN CERTIFICATION OR ACTUAL VALUE - Every document evidencing a transfer upon which a tax is imposed by this Ordinance, when lodged with or presented to any Recorder of Deeds for recording, shall set forth therein, and as a part of such deed, the true, full, complete and actual value thereof, or shall be accompanied by either a certificate from a Title Company or by an Affidavit, executed by a responsible person connected with the transaction, showing such connection, and setting forth the true, full, complete and actual value thereof.

SECTION XI: UNLAWFUL ACTS - It shall be unlawful for any person to:

- (a) Fail to pay the tax imposed by this Ordinance.
- (b) Make use of any stamp to denote payment of any tax, imposed by

this Ordinance, without cancelling such stamp as required by this Ordinance or as prescribed by the Treasurer, or

(c) Fail, neglect or refuse to comply with, or violate the rules and regulations prescribed, adopted, and promulgated by the Treasurer under the provisions of this Ordinance.

(d) Fraudulently cut, tear, or remove a stamp from any document, or

(e) Fraudulently affix to any document evidencing a transfer upon which the tax is imposed by this Ordinance, any stamps which have been cut, torn, or removed from any other document evidencing a transfer upon which a tax is imposed by this Ordinance, or any stamp of insufficient value, or any forged or counterfeited stamp, or any impression of any forged or counterfeited stamp, die plate or other article, or

(f) Wilfully remove or alter the cancellation marks of any stamp, or restore any such stamp with intent to use, or cause the same to be used, after it has already been used, or knowingly buy, sell, offer for sale, or give away, any such altered or restored stamp to any person for use, or knowingly use the same, or

(g) Knowingly have in his possession any altered or restored stamp which has been removed from any document evidencing a transfer upon which tax is imposed by this Ordinance: Provided that the possession of such stamps shall be prima facie evidence of an intent to violate the provisions of this claim, or

(h) Knowingly or wilfully prepare, keep, sell, offer for sale, or have in his possession, any forged or counterfeited stamps.

(i) Knowingly or wilfully affixing or causing to be affixed, to any document evidencing a transfer upon which a tax is imposed by this Ordinance, any impression, stamp, certificate or writing purporting to signify the payment of the tax imposed by this Ordinance when such person knows or has reason to know that the tax has not been paid.

SECTION XII: TAX TO CONSTITUTE LIEN UNTIL PAID - The tax, with interest and a penalty of five per cent (5%) shall become a lien upon the land, tenement or hereditaments, or any interest therein, lying, being and situate, wholly or in part, within the boundaries of the Township, which are the subject of the transfer. The lien shall begin at the time when the tax is due and payable and shall continue until discharged by payment in accordance with the law, and the School Solicitor is authorized to file

a municipal or tax claim or lien in the Office of the Prothonotary of Montgomery County as permitted and provided by law. The tax may also be collected by suit in assumpsit from any or all of the parties to the transfer.

SECTION XIII: PENALTIES - Any person violating any of the provisions of this Ordinance shall be liable to a fine or penalty not exceeding One Hundred Dollars (\$100.00) for each and every offense and further shall be required to pay the amount of the tax, together with interest, as is otherwise provided for in this Ordinance, and upon default in the payment of the same shall be subject to imprisonment for each offense up to a period of thirty (30) days.

SECTION XIV: SEVERABILITY - The provisions of this Ordinance are severable and if any section, clause, sentence, part or provision hereof shall be held illegal, invalid and unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township of Worcester that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision has not been included herein.

SECTION XV: EFFECTIVE DATE: This Ordinance shall become effective on the 29th day of June, 1963, being more than thirty days after its approval and adoption by the Board of Supervisors.

~~RESOLVED~~ ENACTED AND ORDAINED by the Board on the 13th day of May, 1963.

BOARD OF SUPERVISORS OF WORCESTER TOWNSHIP

L. A. Heston
Claude H. Bayer
Russell N. Plue