

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014-248

Public or Private School Amendment

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE IV (AGR AGRICULTURAL DISTRICT), ARTICLE XXIV (GENERAL REGULATIONS), AND ARTICLE XXII (OFF-STREET PARKING AND LOADING) TO UPDATE AND CLARIFY THE ZONING ORDINANCE STANDARDS FOR THE DEVELOPMENT OF PUBLIC AND PRIVATE SCHOOL USES AND ACCESSORY SPORTS FACILITIES RELATED THERETO.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN** as follows:

SECTION I. — Amendment to Code

A. The Code of the Township of Worcester, Chapter 150 (Zoning), Article IV (AGR Agricultural District), Section 150-11 (Use Regulations), Subsection D(2) is hereby deleted in its entirety and replaced with the following new subsection D(2):

- (2) Public or private schools, provided that the use is located on a lot 25 acres or larger, building coverage does not exceed 15% of gross lot area and impervious coverage does not exceed 40% of gross lot area and provided that a safe and efficient off-street passenger drop-off/pick-up area is provided.

B. The Code of the Township of Worcester, Chapter 150 (Zoning), Article IV (AGR Agricultural District), Section 150-17 (Special Requirements) is hereby amended by adding a new Subsection H to read as follows:

- H. Private or public schools. Normal and routine accessory structures to private or public schools are permitted subject to the applicable regulations under Article XXIV, General Regulations

C. The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulation), Section 150-177 (Accessory uses and structures) is hereby amended to include a new Subsection C to read as follows:

C. Private or public school uses. Accessory structures such as backstops, dugouts/team structures, retaining walls, scoreboards, bleachers (permanent or moveable), benches, goals (permanent or moveable), or similar accessory structures associated with outdoor sports and athletic facilities may be located or erected with 50 feet of a front lot line or 40 feet of any other property line subject to the following:

- (1) Backstops shall be permitted on any baseball or softball field but shall be limited to a maximum height of forty (40) feet;
- (2) Scoreboards shall be permitted and shall not be considered signs so long as the scoreboard complies with the following:
 - (a) scoreboards shall not contain any advertisement for any company, product, or service;
 - (b) scoreboards shall be limited to a maximum size of 36 feet by 10 feet;
 - (c) scoreboards shall be limited to one per field;
 - (d) scoreboards shall be limited to a maximum height when mounted of 20 feet from average surrounding grade within a stadium and 15 feet when mounted at all other fields on a single property; and
 - (e) scoreboards, if illuminated, shall
 - (i) be internally illuminated LED displaying only the score and necessary game information and shall be illuminated only during the time of play and for a maximum period of 30 minutes following the end of play; and
 - (ii) neither cast any illumination off of the subject property nor create a nuisance or intrusion to the privacy of adjacent residential property owners or the public.
- (3) Dugouts or team shelters shall be limited to two per field, one for the home team and one for the visiting team;

...

- (4) Dugouts or team shelters shall be a maximum size of 12 feet by 50 feet;
- (5) No structure shall be located or erected so as to interfere with the site triangle of any intersection; and
- (6) Fences and walls shall be regulated by Section 150-182.J.

D. The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulation), Section 150-182 (Fencing and Walls) is hereby amended to include the following new Subsection J to read as follows:

- J. Private or public school uses: The following shall apply to fences and walls located as part of an outdoor athletic facility of a public or private school:
- (1) Fences surrounding an athletic field may be eight feet in height when located at least 40 feet from a property line. If located within 40 feet of any property line, the maximum fence height shall be 6 feet;
 - (2) Backstops shall not be considered a fence or wall, but shall be an accessory structure regulated by Section 150-177.D;
 - (3) Retaining walls associated with any athletic facility may be located 40 feet from any side or rear property line; and
 - (4) Foul poles shall be permitted as part of the fencing surrounding a baseball or softball field and shall be permitted at a maximum height of 30 feet.

E. The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXII (Off-Street Parking and Loading), Section 150-153 (Required off-street parking facilities) is hereby amended to read as follows:

Church, school, public auditorium, assembly or meeting room or similar place for public or semipublic assembly: One space for every three seats provided for assembly. In the case of a school with indoor and outdoor assembly, the outdoor and indoor spaces shall be counted separately and the greater of the two numbers shall be utilized to compute the school's parking requirement. In addition, the indoor and outdoor assembly areas shall not be used simultaneously in a manner which renders the available parking on the property inadequate.

SECTION II. — Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. — Failure to Enforce not a Waiver

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

SECTION IV. — Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION V. — Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 15th day of January, 2014.

WORCESTER TOWNSHIP

By: 
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: 
F. Lee Mangan, Secretary,

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on January 15, 2014, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a hearing on and could vote to adopt an ordinance entitled "Public or Private School Amendment" amending the Code of the Township of Worcester, Chapter 150 (Zoning), Article IV (AGR Agricultural District), Article XXIV (General Regulations) to update and clarify the Zoning Ordinance standards for the development of public and private school uses and accessory sports facilities related thereto.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitors for Worcester Township

Ordinance 2014-249 was not adopted

BOARD OF SUPERVISORS
WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 14-250

AN ORDINANCE AMENDING ORDINANCE NO. 2013-246 AND AUTHORIZING AN AMENDMENT TO THE TOWNSHIP'S GENERAL OBLIGATION NOTE, SERIES OF 2013, IN THE PRINCIPAL AMOUNT OF \$2,500,000 ("NOTE"), TO EXTEND THE LENGTH OF THE INTEREST ONLY PAYMENT PERIOD; ALL OTHER TERMS AND CONDITIONS OF ORDINANCE NO. 2013-246 AND THE NOTE, INCLUDING THE INTEREST AND MATURITY THEREOF, SHALL REMAIN THE SAME.

WHEREAS, on July 17, 2013, the Worcester Township Board of Supervisors enacted Ordinance No. 2013-246 authorizing, among other things, the issuance of the Township's General Obligation Note, Series of 2013 (the "Note") in the principal amount of \$2,500,000, and the purchase of the Note by Univest Bank and Trust Co. ("Univest") pursuant to its proposal; and

WHEREAS, the Note was issued by the Township to undertake certain capital projects (the "Project") of the Township including, without limitation: (1) financing certain capital projects, including, without limitation, renovations to and expansion of the Township's Valley Green Waste Water Treatment Plant; and (2) paying the costs and expenses related to the issuance of the Note; and

WHEREAS, due to unforeseen circumstances, the commencement of renovations to and the expansion of the Township's Valley Green Waste Water Treatment Plan have been delayed; and

WHEREAS, as a result of such delay, Univest is willing to extend the length of time during which monthly payments of interest only are required by the Note; and

WHEREAS, consistent therewith, Univest has provided the Township with a commitment letter which provides for such extension of the interest only period, and the Township desires to take all necessary action to amend Ordinance No. 2013-246 and the Note to extend the interest only period consistent with the commitment.

NOW, THEREFORE, the Board of Supervisors of Worcester Township does hereby ENACT and ORDAIN as follows:

SECTION I. – Amendment to Note

The Township hereby approves an amendment to the Note to provide for the extension the length of time during which monthly payments of interest only are required by the Note, as more particularly set forth in the commitment letter from Univest dated July 14, 2014, a true and correct copy of which is attached hereto as Exhibit "A". All other terms and conditions of the Note, including the interest rate and maturity thereof, shall remain the same. The Chairman or Vice-Chair of the Board of Supervisors, and the Secretary of the Township, are hereby authorized to execute all necessary and proper documents to amend the Note consistent with this Ordinance and the commitment letter attached hereto, including, without limitation, IRS Form 8038-G.

SECTION II. – Advertisement of Ordinance

The action of the proper officers of the Township and the advertising of a summary of this Ordinance as required by law in *The Times Herald*, a newspaper of general circulation in the Township, is ratified and confirmed. The advertisement in said paper of the enactment of this Ordinance is hereby directed within fifteen (15) days following the day of final enactment.

SECTION III. – Tax Covenant

In accordance with the Internal Revenue Code of 1986 (the "Code"), the Township hereby represents and warrants, after due investigation and to the best of its knowledge, that: (i) the Note is not "private activity bonds" within the meaning of Section 141 of the Code, and (ii) the aggregate face amount of "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township (and all other issuers which must be aggregated with the Township pursuant to the Code) during the 2014 calendar year (including the Note, but excluding current refunding obligations not required to be taken into account for purposes of that Section of the Code and further excluding those bonds "deemed designated" under the Code), is not reasonably expected to exceed \$10,000,000. To the extent not "deemed designated," the Township hereby designates the Note as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code.

SECTION IV. – Amendment to and Ratification of Ordinance No. 2013-246

Ordinance No. 2013-246 is hereby amended to extend the length of time during which monthly payments of interest only are required by the Note, consistent with the terms and conditions of this Ordinance. All terms and conditions of Ordinance No. 2013-246, except to the extent inconsistent herewith, are hereby reaffirmed and ratified.

SECTION V. – Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby

declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI. – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 20th day of August, 2014.

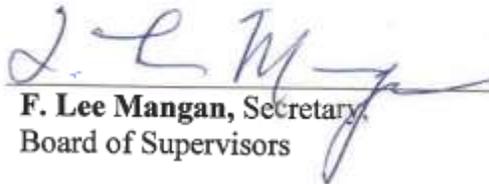
WORCESTER TOWNSHIP

By:



Arthur C. Bustard, Chairman,
Board of Supervisors

Attest:



F. Lee Mangan, Secretary,
Board of Supervisors

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014-251

**ORDINANCE AUTHORIZING THE PARTICIPATION OF
WORCESTER TOWNSHIP IN THE PSATS UNEMPLOYMENT
COMPENSATION GROUP TRUST PURSUANT TO THE
PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW**

WHEREAS, the PSATS Unemployment Compensation Group Trust, originally established in 1980, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers of Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop and maintain unemployment compensation insurance coverage; and

WHEREAS, the governing Declaration and Agreement of Trust for the Trust has been comprehensively updated, amended and restated effective July 16, 2014 (hereinafter "Restated Trust Agreement"); and

WHEREAS, pursuant to the Restated Trust Agreement any municipality wishing to commence participation in the Trust, or continue participation in the Trust after July 16, 2014, is required to take formal action in the form of an enacted ordinance in which the municipality agrees to participate in the Trust in accordance with the amended and updated terms of the Restated Trust Agreement; and

WHEREAS, Worcester Township ("the Township") has determined that it is in the best interest of the Township to participate in the Trust in accordance with the terms of the Restated Trust Agreement and to agree to and join in such Restated Trust Agreement; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. § 2301 *et seq.*, a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

The Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania does hereby **ENACT** and **ORDAIN**:

Section 1. That the Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to adopt the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust.

The Restated Trust Agreement is on file for inspection and review at the Township's offices at 1721 Valley Forge Road, Worcester, PA 19490. The Restated Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such

modifications or amendments divert any of the trust funds from the purposes of the Trust. The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township.

Section 2. That the participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for Participating Employers at reasonable cost.

Section 3. That, as set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

1. That each Participating Employer must meet the admission and eligibility requirements set forth therein;
2. That each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and
3. That each Participating Employer complies with all other conditions of the Restated Trust Agreement.

Section 4. That the Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

Section 5. That the effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be December 17, 2014.

Section 6. That each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

Section 7. That the organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

Section 8. That the funds required for the operation of the Trust shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

Section 9. That the Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.

Section 10. That as a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

Section 11. That the Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

Section 12. The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance and comply with the requirements of the attached Restated Trust Agreement and any duly adopted amendments thereto.

Section 13. The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

Section 14. The Board of Supervisors hereby specifically finds and determines as follows:

1. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.

2. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreement.

3. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement.

4. The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.

5. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.

6. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.

7. The Trust in accordance with the Restated Trust Agreement shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to Participating Employers for their eligible employee and dependents.

Section 15. The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Governing Body that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Governing Body that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

Section 16. Nothing in this Ordinance shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this Ordinance.

Section 17. This Ordinance shall become effective immediately upon its enactment.

This Ordinance is being enacted pursuant to the provisions of the Pennsylvania Intergovernmental Cooperation Law, Act of July 12, 1972, No. 180, as amended, 53 Pa.C.S. §§ 2301, et seq.

ENACTED and **ORDAINED** this 17th day of December, 2014.

WORCESTER TOWNSHIP

By: Arthur C. Bustard
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: F. Lee Mangan
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on December 17, 2014, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will consider and could vote to adopt an Ordinance amending the Code of Worcester Township to repeal Subsection F. of Section 110-1 entitled "Enumeration of Disorderly Practices", of Chapter 110 entitled "Peace and Good Order" of the Codified Ordinances of Worcester Township.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost thereof.

JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Worcester Township

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014-252

**AN ORDINANCE AMENDING THE CODE OF WORCESTER
TOWNSHIP TO REPEAL SECTION 110-1
ENTITLED "ENUMERATION OF DISORDERLY PRACTICES",
SUBSECTION F. ENTITLED "FIREARMS".**

WHEREAS, the Pennsylvania General Assembly has recently enacted, and the Governor has signed, House Bill No. 80 which purports to provide, among other things: (1) legal standing to the National Rifle Association, as well as other groups and individuals to sue the Township for having regulations, rules and/or practices pertaining to the ownership, possession, transfer or transportation of firearms and (2) exposure to damages and expenses, including attorney's fees, expert witness fees, court costs and compensation for "loss of income" where a final determination is made in the Plaintiff's favor, even in the instance where the regulation in question is rescinded or repealed prior to a final determination by a court.

NOW THEREFORE, the Board of Supervisors of Worcester Township does hereby **ENACT** and **ORDAIN** the following amendment to the Codified Ordinances of Worcester Township:

SECTION I. - Amendment to Code

Section 110-1 entitled "Enumeration of Disorderly Practices" of Chapter 110 entitled "Peace and Good Order", Subsection F. entitled "Firearms" is hereby repealed in its entirety.

SECTION II. - Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such

illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

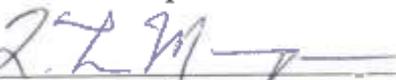
SECTION IV. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 17th day of December, 2014.

WORCESTER TOWNSHIP

By: 
Art Bustard, Chairman,
Board of Supervisors

Attest: 
F. Lee Mangan, Secretary
Board of Supervisors

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WISLER PEARLSTINE, LLP
Solicitors for Worcester Township