

WORCESTER TOWNSHIP PLANNING COMMISSION MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
1031 VALLEY FORGE ROAD, WORCESTER, PA 19490
THURSDAY, MARCH 23, 2017, 7:30 PM

CALL TO ORDER by Mr. Todd at 7:31 PM

ATTENDANCE

PRESENT:	GORDON TODD	[X]
	PAT QUIGLEY	[X]
	CHRIS DAVID	[X]
	TONY SHERR	[X]
	RICK DELELLO	[X]

1. February 23, 2017 Meeting Minutes – Ms. David motioned to approve the February 23, 2017 Meeting Minutes, with corrections made at page 1, “at Bridle Court”, and at page 3, “Bamboo ordinance”, second by Mr. DeLello. There was no public comment. By unanimous vote the motion was approved.
2. Meadowood (LD 2017-01) – Tim Woodrow, Engineer for the Applicant, provided an overview of proposed additions to the Schultz Community Center. The additions will accommodate a marketing suite, administrative offices and an auditorium.

Mr. Woodrow commented on the increase to impervious coverage, and stormwater improvements proposed at another portion of the property to offset the additional coverage.

Mr. Woodrow commented on requested waivers. Mr. Woodrow noted several waivers pertain to stormwater management regulations.

Mr. Woodrow commented on areas to be disturbed, and he noted the proposed installation of ten trees.

Mr. DeLello and Ms. Quigley commented on the adequacy of the proposed stormwater improvement, a rain garden. Joe Nolan, Township Engineer, noted that proposed meets the Township’s design criteria.

Ms. Quigley recommended the Applicant add small woody shrubs to the rain garden. Mr. Woodrow stated the Applicant will provide these plantings.

Ms. David recommended the Applicant plant native species. Paul Nordeman, Meadowood Executive Director, confirmed native species would be provided.

Mr. Sherr commented on plan notes pertaining to the Township's responsibility to inspect and maintain the proposed stormwater facilities. The notes will be reviewed by the Township Engineer and Township Solicitor. Mr. Woodrow stated the plan notes will be revised as required by the Township.

Ms. Quigley motioned to recommend the Board of Supervisors grant preliminary/final approval of the Meadowood land development application, conditioned upon the landscaping, stormwater and other plan revisions noted at this evening's meeting, second by Mr. Sherr. There was no public comment. By unanimous vote the motion was approved.

3. Coughlin (LD 2016-07) – Tommy Ryan, Township Manager, provided an overview of a Planning Module application for a three-lot subdivision at 1631 Kriebel Mill Road.

Mr. Sherr motioned to authorize the Chairman to sign the Planning Module application for the Coughlin subdivision, second by Ms. Quigley. There was no public comment. By unanimous vote the motion was approved.

4. sign ordinance – Mr. Ryan provided an overview of a proposed ordinance to revise Township sign regulations. Mr. Ryan noted the ordinance addressed content requirements set forth in a recent decision of the US Supreme Court, and established sign regulations for postings at school athletic facilities.

David Zerbe, Methacton School District Superintendent, provided an overview of the School District's signage and sponsorship program.

Eric Frey, Solicitor for the Methacton School District, provided an overview of proposed ordinance provisions, which includes regulations for scoreboard, fence, dugout and spectator stand signs. Mr. Frey commented on sign location, area and height restrictions. Mr. Frey commented on the proposed permitting procedure.

Ms. Quigley inquired as to sign illumination and posting duration. Dr. Zerbe stated the signs would not be illuminated, and the signs would be posted during sport seasons only.

Ms. David inquired as to sign content. Dr. Zerbe stated School District policy would prohibit signs that possess inappropriate content.

Ms. Quigley inquired as to the maximum signage permitted. Mr. Frey noted the permit would identify all potential signage at each athletic facility.

Mr. DeLello inquired as to the spectator stand sign location and height. Dr. Zerbe noted spectator stand signs would be posted at the football field only. Mr. Frey will send photographs of similar spectator stand signs to Mr. Ryan, and Mr. Ryan will forward these photographs to the Members.

Wini Hayes, Worcester, commented on the School District's signage and sponsorship program.

Brandon Rudd, Montgomery County Planning Commission, stated MCPC staff is currently preparing a review letter on the proposed ordinance.

5. Center Point Village Vision Plan – The Members reviewed the eight recommendations, and the bubble plan, included in the Center Point Village Vision Plan.

It was the consensus of the Members to recommend the Board of Supervisors revise Recommendation #4 to read "*Permit a base density of 1.0 dwelling unit per acre, and a maximum density of 2.5 dwelling units per acre, on land designated for residential uses*", and to recommend the Board of Supervisors revise Recommendation #5 to read "*Establish density bonuses and incentives that are tied to desired improvements, including transferable development rights.*"

In addition the Members agreed to revise the bubble plan to amend mixed-use preservation areas and to make certain other adjustments. Mr. Todd will revise the bubble plan, and forward this information to Mr. Ryan.

Ms. Hayes commented on architectural standards, and permitted residential density.

6. Bamboo ordinance – Mr. Ryan provided an overview of ordinances enacted by area municipalities.

Ms. Quigley commented on the regulation of invasive species in riparian corridors. There was general discussion regarding the extent to which the ordinance should regulate growth outside of the public right-of-way. It was the consensus of the Members to prepare an ordinance that regulates Bamboo growth within the public right-of-way only, and for the Township to disseminate information regarding the potential dangers of this invasive plant species.

Ms. Hayes commented on a potential Bamboo tax.

Mr. Rudd will draft an ordinance for the Planning Commission's review at an upcoming meeting.

7. Agricultural Security Area – Mr. Ryan noted the Township had received applications to add two properties, 2045 Bethel Road and 1907 Berks Road, to the Worcester Township Agricultural Security Area.

Ms. David made a motion to recommend the Board of Supervisors approve the addition of 2045 Bethel Road and 1907 Berks Road to the Worcester Township Agricultural Security Area, second by Ms. Quigley. There was no public comment. By unanimous vote the motion was approved.

8. April 27 meeting agenda – At its April 27 meeting the Planning Commission will review the proposed sign and Bamboo ordinances, an application made to add property to the Worcester Township Agricultural Security Area, and the Sparango land development application (LD 2016-05), if this revised plan is submitted for review.

PUBLIC COMMENT

- There was no public comment at this evening's meeting.

ADJOURNMENT

There being no further business before the Planning Commission, Mr. Todd adjourned the meeting at 9:10 PM.

Respectfully Submitted:

Tommy Ryan
Township Manager

DRAFT

TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017 - 267

AN ORDINANCE AMENDING THE TOWNSHIP CODE OF WORCESTER TOWNSHIP,
CHAPTER 150, ZONING, ARTICLE III, DEFINITIONS, AND ARTICLE XXI,
SIGNS

WHEREAS, the Board of Supervisors of Worcester Township desires to amend the Township Code to permit and regulate certain signage specific to educational uses and to otherwise amend the sign ordinance in such a manner as to protect and promote the health, safety and general welfare of the community.

NOW, THEREFORE, the Board of Supervisors hereby ordains and enacts as follows:

SECTION I - The Code of the Township of Worcester, Chapter 150, Zoning, Article III, Definitions, Sign, paragraph F. Temporary Sign, is hereby amended to read as follows,

- F. "Temporary Sign - A sign erected for a limited period of time for the purpose of advertising a product, occurrence, event or other message. Such sign must be otherwise permitted in the district and must conform to all size, height, location, and time period restrictions in this chapter.

SECTION II - The Code of the Township of Worcester, Chapter 150, Zoning, Article XXI, Signs, Section 150-147.B., paragraph (5) is deleted in its entirety and replaced with the following amendment:

B. Temporary signs as follows:

- (5) (a) Temporary signs may be displayed up to a maximum of ten consecutive days. Such signs shall not be illuminated in any manner. Upon the conclusion of the ten day period, the temporary sign will be removed immediately.
- (b) Unless otherwise stated, the requirements listed below shall apply to both commercial and non-commercial signs.
- (i) Size and Number.

((1)) Non-Residential Districts:

((a)) Large Temporary Signs: One (1) large temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large temporary sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large temporary signs.

((i)) Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign
- d. Banner

((ii)) Area:

- a. Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 sq. ft.
- b. Each large temporary banner shall have a maximum area of 32 sq. ft.

((iii)) Height:

- a. Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
- b. Banners shall hang at a height no greater than 24 feet.

((b)) Small Temporary Signs: In addition to the large temporary sign(s) outlined above, one (1) small temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has > 10,000 square feet

of floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both sets of small temporary signs.

((i)) Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign

((ii)) Area: Each small temporary sign shall have a maximum area of six (6) sq. ft.

((iii)) Height: Small temporary signs shall have a maximum height of six (6) feet.

((2)) Residential Districts:

((a)) Large Temporary Signs: One (1) large temporary sign is permitted per residential property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.

((i)) Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign
- d. Banner sign

((ii)) Area:

- a. Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 square feet.
- b. Each large temporary banner shall have a maximum area of 32 square feet.

((iii)) Height:

- a. Large temporary signs that are freestanding shall have a

maximum height of eight (8) feet.

b. Banners shall hang at a height no greater than 24 feet.

((b)) Small Temporary Signs: One (1) small temporary sign is permitted per residential property.

((i)) Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign

((ii)) Area: Each small temporary sign shall have a maximum area of six (6) sq. ft.

((iii)) Height: Small temporary signs shall have a maximum height of six (6) feet.

SECTION III. The following paragraphs shall be added to the Code of the Township of Worcester , Chapter 150, Zoning, Article XXI, Signs, Section 150-147.B.:

(7) Removal of Signs: Worcester Township or the property owner may confiscate signs installed in violation of this chapter. Neither Worcester Township nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign.

(8) Municipal Notification: Temporary signs are exempt from the standard permit requirements but the date of erection of a temporary sign must be written in indelible ink on the lower right hand corner of the sign.

(9) Installation and Maintenance.

(a) All temporary signs must be installed such that in the opinion of Worcester Township's building official, they do not create a safety hazard.

(b) All temporary signs must be made of durable materials and shall be well-maintained.

(c) Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

(10) Illumination: Illumination of any temporary sign is prohibited.

(11) Summary Table for Temporary Signs.

Temporary Signs		
	Non-Residential Districts	Residential Districts
Large Temporary Signs (max area: 32 sq. ft. for banner, 16 square feet for all other signs)	<p><u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 square feet of floor area.</p> <p><u>Height:</u> Ground: Maximum 8 ft. Banner: Maximum 24 ft.</p>	<p><u>Number:</u> 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 square feet of floor area.</p> <p><u>Height:</u> Ground: Maximum 8 ft. Banner: Maximum 24 ft.</p>
Small Temporary signs (max area: 6 sq. ft.)	<p><u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has >10,000 square feet of floor area.</p> <p><u>Height:</u> Maximum 6 ft.</p>	<p><u>Number:</u> 1 per property</p> <p><u>Height:</u> Maximum 6 ft.</p>

SECTION IV. The Code of the Township of Worcester, Chapter 150, Zoning, Article XXI, Signs, Section 150-148 is hereby deleted in its entirety and replaced with the following:

§150-148. Signs permitted in residential and agricultural districts.

In residential and agricultural districts, signs may be erected and maintained only in compliance with the following provisions:

- A. Signs incident to a lawful accessory use of the property. Such signs shall not exceed 300 square inches in area. Not more than one such sign shall be placed upon any property in single and separate ownership.
- B. Signs incident to a lawful and approved municipal use of the property. Such signs shall not exceed 15 square feet in area. Not more than one such sign shall be placed on any property or properties engaged in the permitted use, except that a property that fronts on more than one road may have one such sign on each road.
- C. Neighborhood signs. In a residential development having at least 15 dwelling units and more than one internal street or road, the following is allowed:
 - (1) One sign shall be permitted at one entrance to the neighborhood. The sign shall contain no wording, logo, or information other than the name of the neighborhood (as approved by the Board of Supervisors as part of the subdivision and land development plan or otherwise) and the words "Worcester Township", which shall be in a typeface no less than 1/2 the size of the name of the neighborhood. The sign may be double-faced, either parallel or attached at one edge and with an angle of no more than 45°, in which case the two faces shall be identical.
 - (2) The total area of the sign, or of each face of a double-faced sign, shall not exceed 15 square feet. If the sign is mounted on a monument, the area of the monument shall not exceed 1.5 times the area of the sign, and in no case shall either the monument or the sign exceed four feet in height.
 - (3) The sign shall be erected only on property owned in common by the homeowners' association or other entity designated to own commonly held property in the development. If there is no commonly owned property at the entrance to the

development, no sign shall be permitted. Notwithstanding the foregoing, if the development has open space near the entrance which has been dedicated to the Township, a neighborhood sign may be permitted after the Board of Supervisors has approved an agreement providing for the maintenance of the sign and the area immediately surrounding the sign.

- (4) A neighborhood sign shall be constructed of stone, brick, wood, or other durable material and shall be maintained in good condition at all times. Placement and maintenance of the sign shall be the responsibility of the homeowners' association or other entity designated to own commonly held property in the development.
- (5) The depiction of any neighborhood sign on the subdivision or land development plans approved by the Township shall not constitute permission to erect such sign. No neighborhood sign is permitted to be erected until a permit is obtained from the Township and the fee is paid.
- (6) Any fence, wall, gate, or other decorative structural element in conjunction with the neighborhood sign shall be in conformance with other sections of this Code.
- (7) A neighborhood sign shall not be illuminated in any manner, nor shall it use reflective materials of any kind.

D. Signs that advertise the subdivision, building, land development, sale, financing or construction of a subdivision or community of more than four homes shall be regulated as follows:

- (1) Such signs shall be allowed and may be erected only after a permit has been obtained from the Township office and the fee paid. Permits shall be valid for one year and may be renewed, upon application, a maximum of twice following the initial application.
- (2) Such signs shall be limited to one per subdivision entrance or street frontage, with a

maximum of two signs per subdivision or community.

- (3) Such signs shall be no larger than 15 square feet and shall not be illuminated in any manner or use any reflective material.
- (4) As long as such sign(s) shall be standing, no other sign relating to the sale of property in that subdivision or community shall be allowed to be erected except for a sign advertising the sale or rental of an individual lot in that subdivision or community.

E. No sign shall exceed eight feet in height, unless a stricter standard is provided herein.

§150-148.1. Athletic Field Area Signs.

The following signs are permitted at athletic field areas at a public or private school, subject to the noted conditions.

- A. Athletic Field Fence Signs are permitted on the fences that immediately surround the playing area of a baseball or softball field, football field, lacrosse field, soccer field, field hockey or similar playing facility.
 - (1) Signs shall be directed toward the playing field or spectator stands only. Any side of a sign side that is not directed toward the playing field or spectator stands shall be a uniform dark color and shall contain no words, graphics or other content.
 - (2) No portion of the sign shall be higher than the top of the fence, or ten (10) feet from grade, whichever is less.
- B. Athletic Field Spectator Stand Signs are permitted on the railings in front of, or behind the spectator stands that immediately surround the playing area of a baseball or softball field, football field, lacrosse field, soccer field, field hockey or similar playing facility.

- (1) Signs on the railing in front of spectator stands shall be directed toward the spectator stands. The reverse side of the sign shall be a uniform dark color and shall contain no words, graphics or other content.
- (2) Signs on the railing behind spectator stands shall be directed away from the spectator stands. The reverse side of the sign shall be a uniform dark color and shall contain no words, graphics or other content. No portion of the sign may be visible from neighboring properties.
- (3) No portion of the sign shall be higher than the top of the railing, or five (5) feet from grade, whichever is less.

C. Scoreboard Signs are permitted on one (1) scoreboard that serves a baseball or softball field, football field, lacrosse field, soccer field, field hockey or similar playing facility.

- (1) One (1) sign is permitted on each scoreboard or scoreboard support structure.
- (2) The sign shall be directed toward the playing field. The reverse side of the sign shall be a uniform dark color and shall contain no words, graphics or other content.
- (3) Signs shall not exceed three (3) feet in height, and shall not exceed the width of the scoreboard.
- (4) Signs shall be posted below the scoreboard, and no portion of the sign shall be higher than twenty (20) feet from grade.

D. Dugout Signs are permitted on up to two (2) dugouts that serve a baseball or softball field or similar playing facility.

- (1) Two (2) signs are permitted on each dugout.
- (2) Signs shall not exceed thirty (30) square feet.

(3) Signs shall be posted below the lowest point of the dugout roof, and no portion of the sign shall be higher than ten (10) feet from grade.

E. A permit shall be required prior to the installation of any Athletic Field Area Sign. With the permit application the Applicant shall submit a signage plan that shows all signage to be installed, and all signage that may be installed, at each playing facility, which shall include the field and any spectator stands, scoreboards and dugouts associated with the field. The permit issued shall encompass all proposed signage at the playing facility. No change in the approved signage plan shall be allowed unless a revised signage plan is submitted to the Township and the Township issues a new permit.

SECTION V. - General Provisions.

1. All other terms and provisions of Chapter 150, Zoning, Article III, Definitions, and Article XXI, Signs, of the Worcester Township Code shall remain in full force and effect.

2. The proper officers of the Township are hereby authorized and directed to do all matters and things required to be done by the Acts of Assembly and by this Ordinance for the purpose of carrying out the purposes hereof.

3. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.

4. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

5. 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.

6. This Ordinance shall immediately take effect and be in force from and after its approval.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this _____ day of _____, 2017.

WORCESTER TOWNSHIP

By: _____
Susan Caughlan, Chair
Board of Supervisors

Attest: _____
Tommy Ryan, Secretary

MONTGOMERY COUNTY
BOARD OF COMMISSIONERS
VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



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JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

April 7, 2017

Mr. Tommy Ryan, Manager
Worcester Township
1721 Valley Forge Road—Box 767
Worcester, Pennsylvania 19490

Re: MCPC #17-0060-001
Signs Ordinance
Worcester Township

Dear Mr. Ryan:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as requested on March 16, 2017. This letter is submitted as a report of our review and recommendations.

BACKGROUND

The township is proposing to change provisions in the signs ordinance regarding temporary signage and to add a section regulating athletic field area signs.

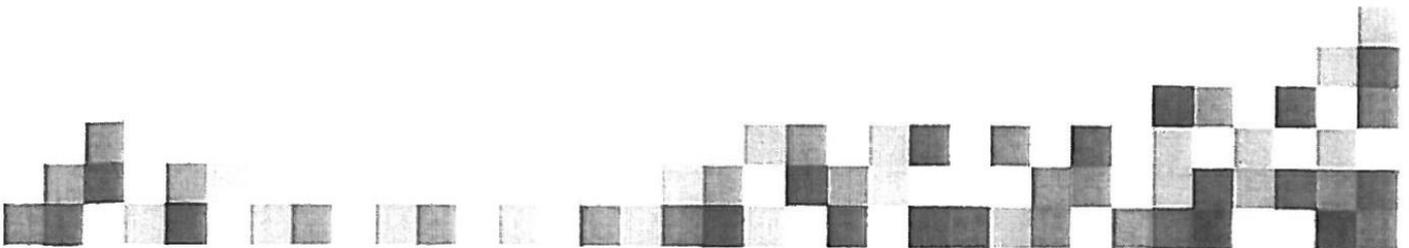
RECOMMENDATION

The Montgomery County Planning Commission (MCPC) supports the township's proposed ordinance changes. We have identified a few issues in the course of our review and we provide the following comments regarding those issues:

REVIEW COMMENTS

DEFINITIONS

- A. Temporary Signs – The definition for "temporary sign" in the current zoning ordinance defines a temporary sign as a "sign erected for a limited period of time for the purpose of advertising a product,



occurrence, or event.” This definition excludes personal expression signs. The Township may want to update the definition to include all temporary signs, including personal expression signs.

TEMPORARY SIGNS

- A. Time Limit – The proposed ordinance limits temporary signs to seven days. We recommend adding the word “consecutive” to make it more specifically seven consecutive days. Seven days is also relatively short and the Township may wish to reconsider the time period and make it slightly longer. Real estate signs, for example, may need to be displayed for more than seven days.

SIGNAGE CONTENT

- A. Neighborhood Signs – Under proposed Section 150-148.C(1) the standard that signs shall only have the “name of the neighborhood” and the words “Worcester Township” might be troublesome. It appears to regulate the content of the sign which may be a free speech issue. The Solicitor should consider this.
- B. Signs Advertising a Subdivision – Subsection D under the same Section mentioned above may have similar content issues. This subsection regulations signs that “advertise” a subdivision or development. The Solicitor should consider this subsection as well.

ATHLETIC SIGNS

- A. Scoreboard Signs – A definition for “scoreboard signs” would be useful. It is unclear whether these regulations would apply to the display on the scoreboard itself or just to additional signage affixed to the scoreboard.
- B. Dugout Signs – We suggest that a definition for “dugout signs” would also help provide clarity to this section.

CONCLUSION

We wish to reiterate that MCPC generally supports the township’s proposed zoning ordinance amendment. Please note that the review comments and recommendations in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt the proposed zoning text amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Brandon Rudd, Senior Planner
610-278-3748 - brudd@montcopa.org

c: Gordon Todd, Chairman, Township Planning Commission

TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE 2017-__

**AN ORDINANCE TO PROHIBIT BAMBOO ALONG A PUBLIC
THOROUGHFARE**

WHEREAS, the Board of Supervisors has determined that the encroachment of Bamboo into, on and across public thoroughfares in Worcester Township constitutes a hazard to both motorists and pedestrians;

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED THAT:

1. Township Code Chapter 126, *Streets and Sidewalks*, is hereby amended to include Article III, as follows:

ARTICLE III
Bamboo Near Public Thoroughfares

§126-11 Title. This article shall be known as an "Ordinance to Prohibit Bamboo along a Public Thoroughfares."

§126-12 Intent and Purpose. The Township has determined that the planting, cultivating and growing of certain noxious plants and grasses, particularly those plants and/or grasses commonly referred to as "Bamboo," has a negative impact on the health, safety and welfare of the citizens of Worcester Township and the public at large. The Township has therefore determined that is in the best interests of the citizens of the Township and the public at large to prohibit the planting, cultivating and/or growing of said Bamboo plants and grasses within the public right-of-way.

§126-13 Definitions. For the purposes of this ordinance, the following definitions shall apply:

BAMBOO – Any monopodial tropical or semi-tropical grasses from the genera Bambusa, Phyllostachys, or Pseudosasa, including, but not limited to, Phyllostachys aurea (Golden Bamboo), Bambusa vulgaris (common Bamboo), and Pseudosasa japonica (Arrow Bamboo).

PUBLIC THOROUGHFARE – Public highways, streets, roadways, trails, paths, and sidewalks.

§126-14 Planting restricted. Bamboo shall not be planted, maintained or otherwise be permitted to exist within 40 feet of the edge of the pavement or traveled portion of any public thoroughfare in Worcester Township. This shall apply to all parts of the Bamboo plant, including stalks, leaves, roots, and branches.

§126-15 Removal and abatement. Property owner(s) whose property contains Bamboo shall remove and abate the growth of the Bamboo within 40 feet of the edge of the pavement or traveled portion of a public thoroughfare in Worcester Township. After removal of the Bamboo, all rhizomes shall be disposed of by incineration.

§126-16 Enforcement and administration. The Township may enforce this article by any or all of the following measures;

- A. Provide written notice to a property owner to remove the Bamboo within a certain period of time.
- B. Move or cause the removal of any Bamboo that is interfering with the public thoroughfare and is growing within the right-of-way of a public thoroughfare within 40 feet of edge of the pavement or traveled portion of a public thoroughfare and charge the property owner with the cost of that work.
- C. Issue a non-traffic citation to the property owner(s) for violation of this article.

§126-17 Notice of violation; violations and penalties. A notice of violation may be issued followed by a citation, or a citation may be issued without being preceded by a notice of violation.

- A. Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this article or any regulation thereof shall be punishable by fine(s) as established in Section 126-17.B of this ordinance. Each day that a violation occurs shall be considered a separate violation.
- B. Any person, firm, corporation or other entity who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, 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. No judgment shall be imposed until the date of the determination of the 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 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.

2. Miscellaneous provisions.

- a. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
- b. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- c. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this ___ day of _____, 2017.

FOR WORCESTER TOWNSHIP

By: _____
Susan G. Caughlan, Chair
Board of Supervisors

Attest: _____
Tommy Ryan, Secretary