

ORDINANCE NO. 2

AN ORDINANCE OF THE TOWNSHIP OF WORCESTER, MONTGOMERY COUNTY, PENNSYLVANIA, PROHIBITING THE OPENING, CONSTRUCTION, OR DEDICATION OF ANY ROAD, OR DRAINAGE FACILITIES IN CONNECTION THEREWITH, FOR PUBLIC USE OR TRAVEL, EXCEPT IN ACCORDANCE WITH PLANS SUBMITTED TO AND APPROVED BY THE TOWNSHIP SUPERVISORS, PRESCRIBING THE METHOD OF PREPARING AND FILING SUCH PLANS; AND IMPOSING FINES AND PENALTIES FOR VIOLATIONS.

PURSUANT TO THE PROVISIONS OF SECTIONS 1140 TO 1146 OF ACT NO 567 OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA APPROVED JULY 10, 1947;

BE IT ORDAINED by the Supervisors of the Township of Worcester in the County of Montgomery and the Commonwealth of Pennsylvania and it is hereby enacted and ordained by authority of same:

SECTION 1. SUBMISSION OF PLANS

No person shall construct, open, or dedicate any road or any drainage facilities in connection therewith, for public use or travel in the Township of Worcester, unless plans thereof have first been submitted to the Township Supervisors for their approval, and unless said construction, opening or dedication is in strict accordance with plans approved by the Township Supervisors, or with further plans subsequently approved by them in manner provided hereinafter, nor until such plan and the approval thereof has been recorded as hereinafter provided.

SECTION 2. CONTENT OF PLANS

Such plans shall be prepared in accordance with such rules and regulations as may be prescribed by the Township Supervisors. Such plans shall show:

- (a) The profiles of such roads, showing grades, cuts and fills.
- (b) The course, structure, and capacity of any drainage facilities.
- (c) The method of drainage of the adjacent or contiguous territory.
- (d) Cross sections of paving indicating depth and type of each course.
- (e) Names of all roads.
- (f) Road widths.
- (g) Locations of all existing and proposed gas, water, and electric and other mains, pipes and conduits.
- (h) All other improvements and utilities to be installed or erected thereon.
- (i) All roads shall have a right-of-way width of not less than thirty-three (33) feet and a cartway width of not less than sixteen (16) feet, except that roads for the sole purpose of ingress and egress on foot or in vehicles to and

from garage or parking space shall have only a cartway width of not less than twelve feet. The Township Supervisors reserve the right to require greater widths, at the time plans are approved.

(j) All roads shall, wherever possible, connect with existing roads or officially approved proposed roads.

(k) All roads which connect with existing roads, so as to form continuances or extensions thereof, shall be not less in width than such existing roads, unless otherwise permitted by the Township Supervisors.

(l) The names of proposed roads shall not conflict with the names of existing roads and shall be the same as the names of existing roads of which they are extensions.

(m) Such plans shall show any other further details that may be required under the rules or regulations adopted by the Township Supervisors.

SECTION 3. APPLICATION FOR APPROVAL OF PLANS

All plans, together with applications for approval thereof, shall be in writing and shall be filed in duplicate with the Township Secretary at least ten (10) days prior to the regular meeting of the Township Supervisors at which it is desired that such plans be considered.

SECTION 4. PUBLIC HEARING

Before acting upon any such plan, the Township Supervisors may, in their discretion, hold a public hearing thereon, after giving such notice as they deem desirable in each case.

SECTION 5. ACTION UPON PLANS

The Township Supervisors may alter such plans and specify any changes or modifications of any kind, which they, in their discretion may deem necessary with respect thereto, and may make their approval of such plans subject to any such alterations, changes or modifications. Approval of plans by the Township Supervisors shall not obligate or require the Township to take any action regarding the roads indicated thereon.

SECTION 6. SIGNING AND FILING OF PLANS

All plans when so approved shall be signed in duplicate on behalf of the Township by the Township Supervisors and an approved duplicate copy shall be filed with the Township Secretary, who shall make the same available to public inspection.

SECTION 7. APPEAL

Where the Township Supervisors shall refuse any plans submitted to them in accordance with this Ordinance, any person aggrieved by the action of the Supervisors, may within thirty (30) days after such action, appeal therefrom by petition to the Court of Quarter Sessions of Montgomery County. The Court shall hear the matter de novo, and after hearing, may enter a decree affirming, reversing, or

modifying the action of the Township Supervisors as may appear shall be given to all parties interested. The decision of the Court shall be final.

SECTION 8. RECORDING OF APPROVED PLANS

The action of the Township Supervisors, or of the Court on appeal, in approving any such plans, and an approved duplicate copy of such plans, shall be recorded by the person applying for such approval in the office of the Recorder of Deeds of Montgomery County.

SECTION 9. PERFORMANCE CONTRACT

Before the applicant shall undertake the construction of any improvements subject to the provisions of this Ordinance, he shall enter into a contract, in writing, with the Township, in which he shall agree to perform the work described in the plans in strict accordance with the plans as finally approved by the Township Supervisors. In addition, the applicant shall furnish a bond, in such amount and with such surety as shall be approved by the Township Supervisors to guarantee the performance of the contract. In lieu of a bond, the applicant may deposit cash to guarantee performance of said contract upon an escrow agreement and with an escrow agent approved by the Township Supervisors.

SECTION 10. WAIVER OF TOWNSHIP RESPONSIBILITY

If any road, or any drainage facilities in connection therewith, shall be opened, constricted, or dedicated for public use or travel except in strict accordance with plans approved and recorded in accordance with the provisions of this Ordinance, neither the Township Supervisors nor any public authorities shall place, construct, or operate any sewer, drain, water pipe, or other facilities, or do any work of any kind in or upon such road; and neither the Township Supervisors nor any other public authorities shall have any responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public; provided, however, that nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains if required by engineering necessity for the accommodation of other territory.

SECTION 11. FEES

Fees to defray the costs of inspection shall be paid by the applicant at the time application for approval of plans is made. The amount of each fee shall be determined according to a general fee schedule to be adopted by resolution of the Township Supervisors, and all such fees shall be paid into the Township Treasury.

SECTION 12. STATE AND COUNTY ROADS

Nothing contained in this Ordinance shall be held to restrict or limit State Department of Highways or Montgomery County in the exercise of their duties, powers, and functions.

SECTION 13. PENALTIES

Any person, copartnership or corporation whom or which shall construct, open or dedicate any road or any drainage facilities in connection therewith, for public use or travel in this Township, without having first complied with the provisions of this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, such person or the members of such copartnership or the officers of such corporation responsible for such violation, shall be sentenced to suffer imprisonment not exceeding two (2) years, or pay a fine not exceeding one thousand dollars (\$1,000), or both, in the discretion of the Court.

RUSSELL H. PLACE,
ALLAN A. MYERS,
JACOB KRIEBEL,

SUPERVISORS OF WORCESTER TOWNSHIP

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