



JOINT BOARDS & COMMISSIONS

WORKSHOP

AGENDA

September 13, 2022

4:00 p.m.

LOCATION: Township Building, 140 Pottstown Pike, Chester Springs PA 19425

- I. Call to Order
 - A. Salute to the Flag
 - B. Moment of Silence
 - C. Inquire if any Attendee plans to audio or video record the Workshop
 - D. An Executive Session was held September 13, 2022 re: personnel
 - E. Appointment ~ Emergency Management Planning Commission Member
- II. Boards & Commissions Updates
 - A. Zoning Hearing Board – Jim Greaney, Chair
 - B. Technology Advisory Board – Ric Bassler, Chair
 - C. Planning Commission – Sally Winterton, Chair
 - D. Park & Recreation Board – Sushila Subramanian, Chair
 - E. Municipal Authority – Matt Brown, Authority Administrator
 - 1. Disposal Area Procurement – Update
 - 2. Route 100 WWTF Phase 3 Construction – Update
 - 3. Township-wide Act 537 Plan – Status
 - 4. Sanitary Sewer Extension Capital Projects
 - F. Historical Commission – Vivian McCardell, Chair
 - G. Environmental Advisory Council – Neil Phillips, Chair
 - H. Emergency Management Planning Commission - Byron Nickerson, Chair, EMC
- III. Automated External Defibrillator (AED) Purchase ~ consider approval
- IV. Ordinance amendment introductions, authorize advertisement:
 - A. Outdoor Dining Ordinance
 - B. Re-Codification Ordinance
- V. Open Session
- VI. Adjournment



UPPER UWCHLAN POLICE DEPARTMENT

MEMORANDUM

TO: Upper Uwchlan Township Board of Supervisors

FROM: Chief John D. DeMarco *JD*

RE: *Automated External Defibrillators (AEDs) Purchase*

DATE: July 26, 2022

An AED is a portable electronic device that automatically diagnosis life-threatening cardiac arrhythmias and can treat these through defibrillation, the application of electricity which allows the heart to re-establish an effective rhythm. Simple audio and visual commands allow lay-persons and first responders to use these devices effectively. When an AED and CPR are immediately available, the chance of survival from cardiac arrest is substantially improved. Combined with CPR, the use of an AED may increase the likelihood of survivability by seventy-five percent. AEDs are generally kept where health professionals and first responders can use them, as well public access in parks, shopping districts, business offices and other public areas.

How often an AED should be replaced can be a tough question. There is no one size fits all answer, but in most cases, an AED will last eight years (*The Department of the Army Technical Bulletin TB Med 7*). Currently there are multiple AEDs throughout the Township. These devices are in police patrol units, administrative offices, public works, and parks. These devices vary in age, make, model and capabilities.

I was going to place a request in the Year 2023 Budget that all current AEDs in the Police Department be replaced. During my review, I discovered that there are no AEDs in place at Upland Farms Park, Upland Farms Barn, Larkins Bridge and Larkins Field. I have had additional discussions with Kyle Ripka regarding the purchase of AEDs. The current AEDs in the parks are also due for replacement. Kyle manages the parks and public works AED units. He comes to me for repairs, upgrade and replacement parts when needed. After review of the purchases for the additional units, I decided to propose all units be replaced now. This would also provide the latest technology.

There would be one make, model, and manufacturer for all units. Battery replacement, defibrillator replacements pads could be stored and replaced immediately after use. We would no longer have to put a unit out of service until replacement parts arrive. It is easier to train everyone on one model in lieu of the several we have now. The model I am proposing will expand Township capability to include pediatrics. I have contacted Uwchlan Ambulance to get their input for the purchase. They inform me that the pads and leads will plug into the Uwchlan Ambulance defibrillator as well. I would also need to order a trainer unit and outside wall storage cases.

Department	Location	Replace	Add	Total
Police	Patrol Vehicles	5	1	6
Police	Police Station	1	0	1
Administration Bldg.	Hallway	1	0	1
Public Works Bldg.	Public Works Bldg.	1	0	1
Parks	Hickory Park	1	0	1
Parks	Fellowship Fields	2	0	2
Parks	Larkins Field	0	1	1
Parks	Larkins Bridge	0	1	1
Parks	Upland Farms Park	0	1	1
Parks	Upland Farms Barn	0	1	0
Parks	Eagle Crossroads Park	0	1	1
		10	6	16

I would make these purchases through the Pennsylvania Co-Stars Program. I have located a vendor located in Chester County. The lead times from submission of order to receiving the product is 34 weeks.

With the implementation the new AEDs, what should we do with the ones we are no longer using?

- Use the estimated trade in values to defray the overall costs?
- Solicit our local volunteer first responder organizations to see if they want them? If this is the choice, I would contact our solicitor for a waiver letter to protect us from any liability.

Thank you for your attention to this matter. Please feel free to contact me in the event you have any further questions.

Attachments:

- Price Quote
- AED Cabinet Brochure
- LIFEPAK CR2 Defibrillator Brochure

stryker

LIFEPAK® AED response system

Connected. Ready.





CR2 AED (CHESCO BULK)

Quote Number: 10546373

Remit to: Stryker Medical

P.O. Box 93308

Version: 1

Chicago, IL 60673-3308

Prepared For: Upper Uwchlan Township Police

Rep: Jacky Wilson

Attn:

Email: jacky.wilson@stryker.com

Phone Number: (484) 467-5893

Quote Date: 07/25/2022

Expiration Date: 08/31/2022

Delivery Address

Name: Upper Uwchlan Township Police
Account #: _____
Address: 140 Pottstown Pike
Chester Springs
Pennsylvania 19425

End User - Shipping - Billing

Name: Upper Uwchlan Township Police
Account #: _____
Address: 140 Pottstown Pike
Chester Springs
Pennsylvania 19425

Bill To Account

Name: Upper Uwchlan Township Police
Account #: _____
Address: 140 Pottstown Pike
Chester Springs
Pennsylvania 19425

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	99512-001264	LIFEPAK CR2 Defibrillator, Fully Automatic, WIFI, English, handle, 8 year warranty. Includes 1 PR QUIK-STEP ^{♦♦♦} electrodes and 1 battery (4 years each), LIFELINKcentral AED Program Manager Basic Account, USB cable, Operating Instructions	16	\$2,210.49	\$35,367.84
2.0	11101-000021	QUIK-STEP pacing/ECG/defibrillation electrodes, 4 year. Includes electrode cover, 1 set of adult/ pediatric electrodes, LPCR2	16	\$131.75	\$2,108.00
3.0	11260-000047	LIFEPAK CR2/Carry Case Kit	16	\$79.05	\$1,264.80
5.0	11996-000441	AED Wall Cabinet, Rotaid Plus, with Alarm, White	5	\$326.40	\$1,632.00
6.0	11996-000449	AED Wall Cabinet, Rotaid Solid Plus, Heat, with Alarm, White	5	\$591.60	\$2,958.00
7.0	11250-000162	LIFEPAK CR2 Trainer - provides realistic training in the use of the LIFEPAK CR2 defibrillator, including sending email messages of product open/pads placed, English. Includes instructions.	1	\$589.90	\$589.90

Equipment Total: \$43,920.54

Trade In Credit:

Product	Description	Qty	Credit Ea.	Total Credit
TR-PFR3-LPCR2	TRADE-IN-PHILIPS HEARTSTART FR3 TOWARDS PURCHASE OF LIFEPAK CR2	16	-\$400.00	-\$6,400.00



CR2 AED (CHESCO BULK)

Quote Number: 10546373

Remit to: **Stryker Medical**

P.O. Box 93308

Version: 1

Chicago, IL 60673-3308

Prepared For: Upper Uwchlan Township Police

Rep: **Jacky Wilson**

Attn:

Email: jacky.wilson@stryker.com

Phone Number: (484) 467-5893

Quote Date: 07/25/2022

Expiration Date: 08/31/2022

Price Totals:

Estimated Sales Tax (0.000%):	\$0.00
Freight/Shipping:	\$521.80
Grand Total:	\$38,042.34

Prices: In effect for 30 days

Terms: Net 30 Days

Contact your local Sales Representative for more information about our flexible payment options.

Capital Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's Acute Care capital terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html. A copy of Stryker Medical's Emergency Care capital terms and conditions can be found at <https://www.strykeremergencycare.com/terms>.

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE, AS AMENDED, TITLED "ZONING", BY AMENDING THE DEFINITION OF "DRIVE-THROUGH RESTAURANT" AND "RESTAURANT" IN SECTION 200-7; AMENDING SECTION 200-33.A(1) TO REMOVE THE PROHIBITION OF DRIVE THROUGHS AND WALK UP ATM MACHINES AT A BANK IN THE C-1 DISTRICT; SECTION 200-33.A BY ADDING A NEW SUBPARAGRAPH (7) TO ALLOW A RESTAURANT AND DRIVE-THROUGH RESTAURANT IN THE C-1 DISTRICT AS A BY RIGHT USE; TO DELETE SECTION 200-33.B(4) AND SECTION 200-33.B(8); TO SUBSTITUTE THE TERM RESTAURANT FOR EATING AND DRINKING ESTABLISHMENT IN SECTION 200-39.A(3); TO ADD A NEW SECTION 200-72.2 TITLED "OUTDOOR DINING" TO ADOPT REGULATIONS FOR OUTDOOR DINING; AND SECTION 200-73.H TO SUBSTITUTE THE TERM RESTAURANT FOR EATING AND DRINKING ESTABLISHMENT.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township, Chester County, Pennsylvania, that Chapter 200 of the Upper Uwchlan Zoning Code, entitled, "Zoning", as amended, shall be amended as follows:

SECTION 1. The definition of "Drive Through Restaurant" in Section 200-7 shall be amended as follows:

"DRIVE-THROUGH RESTAURANT- A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, where service to customers is either through an exterior window in the establishment or directly to parked vehicles on the premises".

SECTION 2. The definition of "Restaurant" in Section 200-7 shall be amended as follows:

"RESTAURANT- A retail establishment furnishing food and beverages to the public for consumption on the premises or for consumption off the premises, or both. Restaurants may be further classified as a "Drive-Through Restaurant".

SECTION 3. Section 200-33.A(1) shall be amended as follows:

“(1) Business or professional office, bank or other financial institution.”

SECTION 4. Section 200-33.A shall be amended by adding a new subparagraph (7) which shall provide as follows:

“(7) Restaurant, Drive-Through Restaurant.”

SECTION 5. Sections 200-33.B(4) and 200-33.B(8) shall be deleted.

SECTION 6. Section 200-39.A(3) shall be revised to state as follows:

“(3) Restaurant, Drive-Through Restaurant, confectionery shop, bakery, or other place serving food or beverages.”

SECTION 7. A new Section 200-72.2 shall be adopted which shall provide as follows:

§ 200-72.2. Outdoor Dining. Outdoor dining may be permitted as an accessory use to a restaurant in the C-1 and C-3 Zoning Districts subject to the following criteria:

A. An area which is on the sidewalk, patio or deck which directly abuts the restaurant may be used for the purpose of furnishing food and beverages outside to the patrons of the restaurant.

B. The outdoor dining area must be a minimum of 50 feet from any boundary of a lot used for a residential use or zoned residential. The outdoor dining area must be a minimum of 10 feet from any lot used for a commercial use or zoned commercial.

C. The outdoor dining area must be separated from all parking areas, streets or driveways by a barrier which is at least four feet in height and no higher than six feet in height. The barrier must prevent patrons of the restaurant from exiting directly onto the parking area, street or driveway adjacent to the outdoor dining area and instead must require the patrons of the restaurant to exit the outdoor dining area in a safe manner, either onto a sidewalk or through another means of ingress and egress which is approved by the Township. The barrier may be a fence, wall, or another suitable barrier approved by the Township which will prevent a hazardous condition and protect the health and safety of the outdoor diners from vehicular traffic on adjacent parking areas, streets or driveways.

D. The area used for outdoor dining must not block any off-street parking, access driveways, accessible walkways, fire lanes or loading areas.

E. Prior to serving food or beverages outdoors, the restaurant must obtain all necessary permits from all governmental and municipal agencies having jurisdiction, including but not limited to the Chester County Health Department and Liquor Control Board.

F. If entertainment is provided in the outdoor dining area, any amplified sound must meet the Township noise regulations and cease by 9:00 p.m. on weekdays and 10:00 p.m. on weekends.

G. The applicant must demonstrate that there is sufficient off-street parking for the area used for outdoor dining based on the requirements in Section 200-73.H.

H. The applicant must demonstrate that by adding additional seating outdoors, they have sufficient sewer capacity.

I. The restaurant shall stop serving customers on or before 10:00 p.m., prevailing time, and clear all tables of food, beverages and customers on or before 11:00 p.m., prevailing time."

SECTION 8. Section 200-73.H shall be amended by amending the reference to "Eating and drinking establishment" to be "Restaurant and Drive-Through Restaurant."

SECTION 9. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 11. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this _____ day of _____, 2022.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Secretary

Sandra M. D'Amico, Chair

Jennifer F. Baxter, Vice-Chair

Andrew P. Durkin, Member

PROPOSED CODE ADOPTION ORDINANCE
for the
CODE OF THE TOWNSHIP OF UPPER UWCHLAN, PENNSYLVANIA
July 2022

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624
800 836-8834
www.generalcode.com

TOWNSHIP OF UPPER UWCHLAN
COUNTY OF CHESTER, PENNSYLVANIA

ORD. NO. _____

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF UPPER UWCHLAN, 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 Upper Uwchlan, 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 Upper Uwchlan, 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 200, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Upper Uwchlan, which shall be known and is hereby designated as the "Code of the Township of Upper Uwchlan," 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 the 2006 Code and the 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 Upper Uwchlan, 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 Upper Uwchlan 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 Upper Uwchlan has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Former Chapter 190, Weeds and Noxious Growth, of the 2006 Code, adopted January 17, 1988, by Ord. No. 06-01, as amended January 17, 2006, by Ord. No. 06-01.

§ 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 March 21, 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 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. It is the intention of the Board of

Supervisors that all such changes be adopted as part of the Code as if the ordinances 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 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) The terms “Justice of the Peace,” “District Justice,” “District Magistrate” and “Magistrate” are changed to read “Magisterial District Judge.”
 - (2) References to the “Department of Community Affairs” are changed to read “Department of Community and Economic Development.”
 - (3) References to the U.S. Department of Agriculture’s “Soil Conservation Service” or “SCS” are changed to read “Natural Resources Conservation Service” or “NRCS,” respectively.
 - (4) References to the “Department of Environmental Resources” are changed to read “Department of Environmental Protection” or “Department of Conservation and Natural Resources” as appropriate.
 - (5) References to the “Department of Public Welfare” are changed to read “Department of Human Services.”
 - (6) The abbreviation “UCC” is changed to read “Uniform Construction Code.”

§ 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

filings 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 Upper Uwchlan this _____ day of _____ 20____.

Attest:
UWCHLAN

TOWNSHIP OF UPPER

Township Secretary

BY: _____
Official

TOWNSHIP OF UPPER UWCHLAN

NOTICE OF INTRODUCTION

OF PROPOSED CODE ADOPTION ORDINANCE

Please take notice that a proposed Code Adoption Ordinance was introduced by the Board of Supervisors of the Township of Upper Uwchlan at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20_____. A copy of the proposed Code Adoption Ordinance and the Code may be examined in the office of the Township Secretary. A summary of the proposed Code Adoption Ordinance and a listing of the Table of Contents of the proposed codification are as follows:

ORD. NO. _____

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF UPPER UWCHLAN, 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

This proposed ordinance provides:

- (1) For the approval, adoption and enactment of the codification of a complete body of legislation for the Township of Upper Uwchlan, as revised, codified and consolidated into titles, chapters and sections, such codification being designated as the "Code of the Township of Upper Uwchlan."
- (2) That the provisions of the Code are intended as the continuation of legislation in effect immediately prior to adoption of this ordinance.
- (3) For the repeal of inconsistent ordinances or parts of ordinances of a general and permanent nature which are not included in the Code, except as specifically saved from repeal.
- (4) That certain ordinances, rights and obligations be expressly saved from repeal.
- (5) That ordinances of a general and permanent nature adopted subsequent to preparation of the Code but prior to its adoption are deemed part of the Code.
- (6) For the adoption and ratification of changes and revisions made during preparation of the Code to the previously adopted legislation included therein, and for the inclusion of certain new legislation. Such changes, revisions and new legislation include:
 - (a) Nonsubstantive grammatical and style changes.
 - (b) Nomenclature changes.

- (c) General revision of penalty provisions.
- (d) Adoption and ratification of other substantive changes and revisions made so as to bring provisions included in the Code into conformity with the policies and intent of the Board of Supervisors. Such changes and revisions are specifically enumerated and described in the ordinance.
- (7) For the interpretation of provisions.
- (8) That titles, headings and editor's notes are inserted for the convenience of persons using the Code and are not part of the legislation.
- (9) For the filing of at least one copy of the Code in the office of the Township Secretary where it shall remain for use and examination by the public.
- (10) For the incorporation of future additions, deletions, amendments or supplements into the Code.
- (11) That Code books be kept up-to-date under the supervision of the Township Secretary.
- (12) That notice of introduction of the ordinance and Code be published according to law, and that enactment of the ordinance, coupled with filing of a copy or copies of the Code and publication of such notice, will be deemed due and legal publication of all provisions of the Code.
- (13) For penalties for anyone convicted of altering or tampering with the Code.
- (14) That provisions of the Code and of the ordinance are severable.
- (15) That the effective date of the Code and of the ordinance be _____, 20____.

The chapters included in the codification are as follows (all chapter numbers not listed are reserved for future use).

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Please take further notice that the Board of Supervisors intends to adopt the proposed Code Adoption Ordinance on _____. A copy of the Code Adoption Ordinance proposed for adoption is on file in the office of the Township Secretary, Upper Uwchlan, Pennsylvania, where it is available for inspection during regular office hours.

Township of Upper Uwchlan Code Adoption Ordinance

Schedule A Specific Revisions at Time of Adoption of Code

Chapter 22, Manager.

Section 22-2 is amended to read as follows:

Section 22-2. Appointment and removal.

- A. *The Board of Supervisors may by ordinance at any time create the Office of Township Manager and may in like manner abolish the Office. While the Office exists, the Board of Supervisors shall appoint one person to fill the Office. The Township Manager shall serve at the pleasure of the Board of Supervisors, subject to contractual rights that may arise under an employment agreement that may be entered into in accordance with Subsection B.*
- B. *The Board of Supervisors may enter into an employment agreement with the Township Manager. The employment agreement may set forth the terms and conditions of employment, and the agreement may provide that it shall remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the Board of Supervisors' organizational meeting following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this subsection may specify conditions under which a Township Manager would be entitled to severance compensation, but in no event shall an employment agreement guarantee employment through the term of the agreement or confer upon the Township Manager any legal remedy based on specific performance.*

Chapter 57, Buildings, Numbering of.

Section 57-6A is amended as indicated: "...shall have a minimum height of four inches with a minimum stroke width of 0.5 inch and shall be mounted in a secure fashion..."

Chapter 82, Floodplain Management.

- A. Section 82-9K is amended as indicated: "...shall consider the requirements of 34 Pa. Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania the Pa. Uniform Construction Code, as adopted by the Commonwealth of Pennsylvania."
- B. Section 82-10C(3)(b) is amended as indicated: "...under 34 Pa. Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof and the Pa. Uniform Construction Code, as adopted by the Commonwealth of Pennsylvania."

- C. Section 82-23A(3) is amended as indicated: "...specifications contained in the Pa. Uniform Construction Code as the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the latest edition thereof adopted by the Commonwealth of Pennsylvania..."
- D. Section 82-23B(5) is amended as indicated: "...specifications contained in the Pa. Uniform Construction Code as the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the latest edition thereof adopted by the Commonwealth of Pennsylvania..."
- E. Section 82-24N is amended to read as follows:

Uniform Construction Code coordination. The standards and specifications contained in 34 Pa. Code (Chapters 401 to 405), as amended.
- F. Section 82-27E is amended as indicated: "...the requirements of the Pa. Uniform Construction Code as adopted by the Commonwealth of Pennsylvania Appendix E of the 2009 "International Residential Building Code" or the..."
- G. Section 82-27F is amended "...the installation requirements of the Pa. Uniform Construction Code 2009 IBC and the 2009 IRC, or the latest revision thereto, as adopted by the Commonwealth of..."
- H. Section 82-34C is amended as indicated: "...as amended, and the 2009 IBC and the 2009 IRC Pa. Uniform Construction Code, or most recent revision thereof, as adopted by the Commonwealth of..."

Chapter 134 Peddling and Soliciting.

- A. Section 134-2E is amended as indicated: "...as the term is defined in the statutes of the Commonwealth of Pennsylvania, is waived from registration under this act."
- B. Section 134-2F is amended as indicated: "...for contributions is expressly exempt from fee fees and registration."
- C. Section 134-14 is amended to read as follows:

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 155, Streets and Sidewalks.

Article II, Snow Removal and Winter Parking.

Section 155-20 is amended as indicated: "...remain free of the hazards of snow and ice. Should the snow and ice on the sidewalk or walkway be frozen so that it cannot be removed without injury to the pavement or damaging the base of the sidewalk, the person having charge of the ice and snow removal shall cause the sidewalk abutting or adjacent

to such premises to be strewn and to be kept strewn with ashes, sand or any suitable abrasive material and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.”

Chapter 162, Subdivision and Land Development.

- A. Section 162-11D is amended as indicated: “...to the Township Zoning Hearing Board in accordance with ~~§ 909 of the Pennsylvania Municipalities Planning Code~~ 53 P.S. § 10909.1.”
- B. Section 162-65C(1) is amended to change “fiftieth day” to “fifth business day.”
- C. In Attachment 1 of this chapter, Distribution of Plans to Appropriate Agencies:
 - (1) Under Step Item 2, Subsection h. is amended to change the number of copies for the water supply study from 5 to 7.
 - (2) Under Step Item 3, new Subsections f., g., and h. are added to read as follows:

<i>f.</i>	<i>Site analysis and impact plan</i>	<i>15 (min.)</i>	<i>Same distribution as above</i>
<i>g.</i>	<i>Improvement construction plan</i>	<i>15 (min.)</i>	<i>Same distribution as above</i>
<i>h.</i>	<i>Water supply study</i>	<i>7 (min.)</i>	<i>If applicable</i>

Chapter 169, Taxation.

Article II, Realty Transfer Tax.

This article is amended in its entirety to read as follows:

§ 169-13. Imposition of tax.

The Township of Upper Uwchlan adopts the provisions of Article XI-D of the Tax Reform Code of 1971 (72 P.S. § 8101-D et seq.) and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.

§ 169-14. Administration.

The tax imposed under § 169-13 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the "Local Tax Enabling Act" (53 P.S. § 6901 et seq. and 53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Upper Uwchlan, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 169-15. Interest.

Any tax imposed under § 169-13 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the

Act of May 16, 1923 (P.L. 207, No. 153; 53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176; 72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

Chapter 200, Zoning.

- A. Section 200-6B is amended as indicated: "...features of the Township that from form its character..."
- B. In § 200-7B:
 - (1) The definition of "family" is amended to read as follows:

FAMILY - One person or two or more persons related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.
 - (2) Subsection (1) of the definition of "lot area" is amended as indicated: "Any land lying within the Flood Hazard District as defined within Article XIII of this chapter Chapter 82, Floodplain Management, of this Code."
- C. Section 200-9 is amended as indicated: "The location and boundaries of such districts shall be as shown on the map attached to and hereby made a part of this chapter, which map shall be designated the "Zoning Map of Upper Uwchlan Township." The said map, and all the notations, references, and other data shown hereon, shall be as much a part of this chapter as if fully described herein and shall be kept at the Township offices."
- D. In § 200-13, a new Subsection G is added to read as follows:

G. Group homes.
- E. In § 200-17, a new Subsection E is added to read as follows:

E. Group homes.
- F. In § 200-21, a new Subsection E is added to read as follows:

E. Group homes.
- G. In § 200-27, a new Subsection E is added to read as follows:

E. Group homes.
- H. Article XIII, Flood Hazard District, of the 2006 Code, as amended, is repealed.
- I. Section 200-64D is amended to change the reference to "§ 200-73E" to "§ 200-73."
- J. Section 200-71F(2)(c) is amended to change "another" to "and the."
- K. Section 200-91A(13) is amended as indicated: "...under state law and in § 200-82F of this chapter Chapter 110, Noise, of this Code, except in emergency..."



THE COUNTY OF CHESTER



COMMISSIONERS

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Josh Maxwell
Michelle Kichline

Brian N. O'Leary, AICP
Executive Director

PLANNING COMMISSION

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August 19, 2022

Tony Scheivert, Manager
Upper Uwchlan Township
140 Pottstown Pike
Chester Springs, PA 19425

Re: Subdivision and Land Development Ordinance Amendment - Plan Submission Provisions
Upper Uwchlan Township - SA-08-22-17309

Dear Mr. Scheivert:

The Chester County Planning Commission has reviewed the proposed Upper Uwchlan Township Subdivision and Land Development Ordinance amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 505(a). The referral for review was received by this office on August 9, 2022. We offer the following comments to assist in your review of the proposed Upper Uwchlan Township Subdivision and Land Development Ordinance amendment.

DESCRIPTION:

1. Upper Uwchlan Township proposes the following amendments to its Subdivision and Land Development Ordinance:
 - A. A Section reference to the Pennsylvania Municipalities Planning Code is corrected.
 - B. A provision relating to violations of the Ordinance is changed to comply with the Municipalities Planning Code.
 - C. The number and distribution of plans and studies to various agencies is revised.

BACKGROUND:

2. The Chester County Planning Commission also received a proposed amendment to the Township Zoning Ordinance, and our comments on that amendment were forwarded to the Township separately (refer to CCPC # ZA-08-22-17306).

COMMENTS:

3. The provisions in this proposed amendment are generally procedural and relate to updated Section references and corrections, and appear to be appropriate. However, a reference in section C of the amendment relates to "Attachment 1 of this Chapter" (i.e., apparently referring to Chapter 162 of the Township Code: Subdivision and Land Development). However, the Township's Ordinances in ecode360.com appear to indicate that this Attachment is located in Township Code Chapter 82: Floodplain Management.

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Re: Subdivision and Land Development Ordinance Amendment - Plan Submission Provisions

Upper Uwchlan Township - SA-08-22-17309

RECOMMENDATION: The Commission recommends that the comment in this letter regarding the cross-reference be addressed before action is taken on this proposed Subdivision and Land Development Ordinance amendment.

We request an official copy of the decision made by the Upper Uwchlan Township Supervisors, as required by Section 505(b) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,



Wes Bruckno, AICP
Senior Review Planner

THE COUNTY OF CHESTER



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August 19, 2022

Tony Scheivert, Manager
Upper Uwchlan Township
140 Pottstown Pike
Chester Springs, PA 19425

Re: Zoning Ordinance Amendment - Definition of Family, Regulating Group Homes in the R-1, R-2, R-3, and R-4 Residential Districts, Floodplain District Updates, Other Miscellaneous Provisions
Upper Uwchlan Township - ZA-08-22-17306

Dear Mr. Scheivert:

The Chester County Planning Commission has reviewed the proposed Upper Uwchlan Township Zoning Ordinance amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 609(e). The referral for review was received by this office on August 8, 2022. We offer the following comments to assist in your review of the proposed Upper Uwchlan Township Zoning Ordinance amendment.

DESCRIPTION:

1. Upper Uwchlan Township proposes the following amendments to its Zoning Ordinance:
 - A. Revise the definition of "Family";
 - B. Revise the definition of "Lot Area" to be consistent with correct Zoning Ordinance Section numbering;
 - C. Clarifying language relating to group homes in the R-1, R-2, R-3, and R-4 Residential districts (Zoning Ordinance: Supplemental Regulations Section 200-65.A, currently states that Group Homes are permitted by right in the R-1, R-2, R-3, and R-4 Residential districts, as well as in the C-1 District, but the current use regulations in the R-1, R-2, R-3, and R-4 Residential districts do not correspondingly state that Group Homes are permitted by right);
 - D. Revise floodplain district provisions, and
 - E. Revise other parts of the Zoning Ordinance to correct language and Section references.

BACKGROUND:

2. The Chester County Planning Commission also received a proposed amendment to the Township Subdivision and Land Development Ordinance, and our comments on that amendment were forwarded to the Township separately (refer to CCPC # SA-08-22-17309).

Re: Zoning Ordinance Amendment - Definition of Family, Regulating Group Homes in the R-1, R-2, R-3, and R-4 Residential Districts, Floodplain District Updates, Other Miscellaneous Provisions
Upper Uwchlan Township - ZA-08-22-17306

COMMENTS:

3. The Township's amendment clarifies that group homes are to be permitted by right in the R-1, R-2, R-3, and R-4 Residential districts, which is consistent with the current language in the Upper Uwchlan Zoning Ordinance: Supplemental Regulations Section 200-65.A. Section 200-65.A. also states that group homes are permitted by-right in the C-1 District, but the current amendment does not appear to include a similar clarification for Section 200-33: Use Regulations in the C-1 District as it does for the R-Districts. The Township may wish to take this opportunity to make a similar clarification for the C-1 District.
4. Floodplain Management is currently regulated in Chapter 82 of the Township Code, and we have no comments on this portion of the amendment.
5. The other parts of this Zoning Ordinance amendment correct language errors and Section references, and appear to be appropriate.

RECOMMENDATION: Upper Uwchlan Township should consider the comments in this letter before adopting the proposed zoning ordinance amendment.

We request an official copy of the decision made by the Township Supervisors, as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,



Wes Bruckno, AICP
Senior Review Planner