



AGENDA
MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS
JULY 11, 2016

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Robert J. Birch
Candyce Fluehr Chimera
Michael J. Fox
Jeffrey W. McDonnell
Joseph P. Walsh

Lawrence J. Grogan
Township Manager

ACTION MEETING – 8:00 PM

1. Call to Order by Chairman
2. Pledge of Allegiance
3. Public Comment
4. Announcement of Executive Session
5. Consider Approval of Minutes of June 27, 2016 Meeting
6. Introduction and Swearing In of New Police Officer
7. Present Annual Donations - North Wales Library
8. Consider Adoption of Ordinance#16-295- Approving Participation in Intergovernmental Cooperation Agreement Wissahickon Creek Alternative TMDL
9. Consider Authorization for Repair of the Fire Department's Ladder 18 Hydraulic System
10. Consider Authorization to Advertise for a Public Hearing for Proposed Ordinance #16-297Z – Amendments to Floodplain Regulations in Zoning and SALDO Ordinance
11. Consider Authorization to Advertise for a Public Hearing for Proposed Ordinance #16-298S – Amendments to Shade Tree Ordinance and Landscape Regulations in SALDO Ordinance
12. Consider Payment of Bills
13. Other Business
14. Adjournment

Future Public Hearings/Meetings:

07-12-2016 @7:30pm – Open Space Committee
07-12-2016 @7:30pm – Zoning Hearing Board
07-18-2016 @7:30pm – Finance Committee
07-20-2016 @6:30pm – Municipal Sewer Authority
07-20-2016 @7:30pm – Shade Tree Commission
07-21-2016 @7:00pm – Pension Committee
07-21-2016 @7:30pm – Planning Commission

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Public Comment

MEETING DATE: July 11, 2016

ITEM NUMBER: #3

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Grogan
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman
of the Board of Supervisors

BACKGROUND:

The Board needs to remind all individual(s) making a comment that they need to identify themselves by name and address for public record.

The Board needs to remind the public about the policy of recording devices. The individual(s) needs to request permission to record the meeting from the chairman and needs to identify themselves, by name and address for public record.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Approval of Minutes for June 27, 2016

MEETING DATE: July 11, 2016

ITEM NUMBER: #5

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gegan
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman
of the Board of Supervisors

BACKGROUND:

Please contact Deb Rivas on Monday, July 11, 2016 before noon with any changes to the minutes.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

**MINUTES OF MEETING
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
JUNE 27, 2016**

DRAFT

At 7:00 p.m. Vice Chairman Candyce Fluehr Chimera called to order the executive session. In attendance were Supervisors Robert J. Birch, Michael J. Fox and Jeffrey W. McDonnell. Chairman Joseph P. Walsh was absent. Also in attendance were Lawrence Grogan and Frank Bartle, Esquire.

Vice Chairman Candyce Fluehr Chimera called the action meeting to order at 8:00 p.m. In attendance were Vice Chairman Candyce Fluehr Chimera and Supervisors Robert J. Birch and Michael J. Fox. Supervisor Jeffrey W. McDonnell was absent. Also in attendance were Frank Bartle, Esquire, Lawrence Grogan, Chief Scott Bendig, Rick Lesniak, Ami Tarburton, Ann Shade, Stacy Crandell, Bruce Shoupe, Kevin Costello, Floyd Shaffer, Rich Grier and Deb Rivas.

Following the Pledge of Allegiance, Vice Chairman Candyce Fluehr Chimera called for public comment from the audience.

Clifford Fitzgerald of 601 Ellison Drive requested an update on the time frame to complete the unfinished improvements in the Montgomery Pointe and adjoining developments. Supervisor Michael Fox reported on recent activity involving the Township & Developer's engineers working to establish a list and costs to complete final improvements. An agreement based on those findings would then need to be reached between the Cutler Group and the Township which agreement will include a Schedule to Complete. Supervisor Michael Fox stated that absent such an Agreement, the Board was prepared to take action to call the Bond and Letter of Credit for the Montgomery Walk and Montgomery Pointe Developments. On a motion by Supervisor Michael Fox, seconded by Vice Chairman Candyce Fluehr Chimera, the Board unanimously adopted Resolution #1 attached hereto and incorporated herein authorizing and directing the Township Solicitor to pursue all legal and equitable remedies against the Cutler Group, Inc. for failure to complete the public improvements to the Montgomery Walk and Montgomery Pointe developments.

John Lillanfeld of Phoenixville, PA asked if the resolution included the paving of the roads in the Montgomery Walk Development. Vice Chairman Candyce Fluehr Chimera

confirmed that this action included the paving of the roads in the Montgomery Walk development.

Solicitor Frank Bartle announced that the Board had met in an executive session prior to this meeting and discussed a personnel matter concerning contract negotiations, three zoning hearing board applications, including Christian Bros Automotive, Starbucks Coffee and Steever Manor Offices. In addition, the Board discussed two matters of potential litigation. Mr. Bartle stated that these matters are legitimate subjects of executive session pursuant to Pennsylvania's Sunshine Law.

Vice Chairman Candyce Fluehr Chimera made a motion to approve the minutes of the June 13, 2016 Board of Supervisors meeting, and Supervisor Michael Fox seconded the motion. The minutes of the meeting were unanimously approved as submitted.

Township Manager Lawrence J. Gregan stated that the Board of Supervisors previously established the Community & Recreation Center Advisory Committee. The committee was established to assist with identifying the needs of the Community and Recreation Center, recommend activities and programming, and recommend plans and policies regarding the programs and services of the Community and Recreation Center. Township resident Karin Bayer has expressed an interest in becoming a member of the Montgomery Township Community & Recreation Center Advisory Committee. Resolution #2 made by Supervisor Michael J. Fox, seconded by Supervisor Robert Birch, appointed Karin Bayer to serve a one year term on the Montgomery Township Community & Recreation Center Advisory Committee.

Township Manager Lawrence J. Gregan reported that Master Bong Pil Yang, owner of Yang's Martial Arts School, Inc. in Montgomery Township and a member of the association proposing the construction of a Korean War Memorial/American-Korea Alliance Peace Park in the Township has proposed a "Sister City" relationship between the Township and Hamyang County in the Republic of Korea program. The proposed relationship would focus on establishing a cooperation relationship between the Township and Hamyang County for mutual prosperity in areas of cultural and economic exchange. Master Yang thanked the Board of

Supervisors for their consideration of this request and stated that it would be an honor and a pleasure to participate in this relationship program. Resolution #3 made by Supervisor Michael Fox, seconded by Supervisor Robert J. Birch and adopted unanimously, directed the Township Manager to respond to Chang-ho Lim, Mayor of Hamyang County, Republic of Korea agreeing to participate in a "Sister City" program with the County.

Vice Chairman Candyce Fluehr opened a public hearing at 8:15 p.m. to consider the Conditional Use application, #C-65 Hawthorn Development, LLC. Notes of testimony were taken by Court Reporter, Tim Kurek. Township Solicitor Frank R. Bartle, Esquire presented the application, legal advertisement and exhibits into the record. James Garrity, Esquire, reported that the applicant is proposing to develop the property, located on Doylestown Pike, as a Congregate Care/Independent Senior Living facility, including a main building with 144 suites, 12 cottage units and associated improvements. This facility is designed exclusively for persons 62 years of age and older. This use is permitted by conditional use within the BP-Business Office and Professional District. The public hearing was closed at 8:45pm. Resolution #4 made by Supervisor Michael Fox, seconded by Supervisor Jeffrey W. McDonnell and adopted unanimously, approved the conditional use application for #C-65 Hawthorn Development LLC.

Assistant to the Township Manager Stacy Crandell reported that the Township's current twelve year Franchise Agreement with Verizon will expire on July 24, 2018. Verizon has provided the Township with notice to trigger the mandatory 36 month renewal period for the current agreement. The current agreement was negotiated with other members of the Montgomery County Consortium of Communities. In order to obtain legal services at a lower cost, Township Staff is recommending participating in the Cohen Law Group proposal that was presented at the Consortium Meeting on June 17, 2016. Dependent upon the number of consortium members participating in the process, the Township's fee for services for both the compliance review and the negotiation of the franchise agreement would range from \$7,350 to \$9,500. In addition, the Consortium is providing a \$1,000 offset per participating municipality. Resolution #5 made by Supervisor Michael J. Fox, seconded by Vice Chairman Candyce Fluehr

Chimera and adopted unanimously, accepted the proposal from the Cohen Law Group, dated June 13, 2016 to perform the Cable Franchise Renewal Services including the compliance review.

Assistant to the Township Manager Stacy Crandell reported that municipalities located in the Wissahickon Creek Watershed are obligated under the PA DEP's MS4 and NPDES programs to meet TMDL phosphorous limit which is believed to be technologically infeasible and not likely to result in improvements to the water quality of the Wissahickon Creek. Municipalities and wastewater treatment plant operators in Montgomery and Philadelphia counties recognize that for watersheds, such as the Wissahickon Creek Watershed which cross municipal boundaries, it would be better to participate in a collaborative effort to study and develop an alternative to the proposed EPA Total Phosphorus TMDL that will have a positive effect on water quality in the watershed. An Intergovernmental Cooperation Agreement has been created to move the study process forward. The Pennsylvania Environmental Council will undertake the study which will be funded in part with a \$1.2 million grant from the William Penn Foundation. The Township's local match would be \$12,500 over a two year basis. Proposed Ordinance #16-295 authorizes the Township to approve this agreement. Resolution #6 made by Supervisor Michael J. Fox, seconded by Supervisor Robert J. Birch and adopted unanimously, authorized the advertisement of proposed Ordinance #16-295, approving participation in the Intergovernmental Cooperation Agreement Wissahickon Creek Alternative TMDL for consideration and adoption at the Board of Supervisors meeting to be held on Monday, July 11, 2016, after 8:00 p.m.

A motion to approve the payment of bills was made by Vice Chairman Candyce Fluehr Chimera, seconded by Supervisor Robert J. Birch, and adopted unanimously, approved the payment of bills as submitted.

There being no further business to come before the Board, the meeting adjourned at 8:49 p.m.

RESOLUTION #1

MONTGOMERY TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

**A RESOLUTION AUTHORIZING AND DIRECTING THE TOWNSHIP
SOLICITOR TO PURSUE ALL LEGAL AND EQUITABLE REMEDIES
AGAINST THE CUTLER GROUP, INC., FOR FAILURE TO COMPLETE
THE PUBLIC IMPROVEMENTS TO THE MONTGOMERY WALK AND
MONTGOMERY POINTE DEVELOPMENTS**

WHEREAS, The Cutler Group, Inc., has failed to complete the construction of the Montgomery Walk and Montgomery Pointe public improvements as set forth in the Final Plans for those Developments, as amended, the completion of which is secured in whole or part by security guarantees in the form of Performance Bonds, Letters of Credit, and/or cash.

WHEREAS, the Township issued Cure Notices for both of these Developments in accord with their respective Security Agreements on February 22, 2016.

WHEREAS, under the Security Agreements, if the outstanding improvements were not completed within 60-days of the Cure Notices, the Township was entitled to pursue all legal and equitable remedies on the Developments' security guarantee or otherwise against The Cutler Group, Inc.

WHEREAS, The Cutler Group Inc., has failed to timely comply with the Cure Notices.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, that we hereby authorize and direct the Township Solicitor to pursue all legal and equitable remedies on the Developments' security guarantees or otherwise against The Cutler Group, Inc., including calling upon all security guarantees for the Montgomery Walk and Montgomery Pointe Developments unless The Cutler Group Inc. enters into Amendments to the Security Agreements by close of business Thursday July 7, 2016, for the purposes of:

1. Identifying and agreeing to complete all outstanding improvements as contemplated in the Montgomery Walk and Montgomery Pointe Final Plans, as amended, in accord with an Improvement Completion Schedule prepared to the satisfaction of the Township Solicitor, with input from this Board; and
2. Replacing the existing security guarantees associated with the Montgomery Walk and Montgomery Pointe Developments with new security by a date certain and in an amount to the satisfaction of the Township Engineer and Solicitor, which shall secure the completion of the outstanding improvements. In addition, The Cutler Group, Inc. shall post a separate cash escrow, in an amount to the satisfaction of the Township Solicitor, directly with the Township to cover administrative, legal, and engineering expenses.

MOTION BY: M. Fox

SECOND BY: C. Chimera

VOTE: 4-0
(J. Walsh, absent)

DATE: 6/27/16

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Introduction and Swearing In of New Police Officer

MEETING DATE: July 11, 2016

ITEM NUMBER: #6

MEETING/AGENDA:

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Policy: Discussion: Information:

INITIATED BY: J. Scott Bendig, Chief of Police

BOARD LIAISON: Joseph P. Walsh, Chairman

BACKGROUND:

In October of 2015, Officer Brandi McCoy resigned her position as a police officer with the department to pursue a career with the Pennsylvania Office of Attorney General. With this resignation came a vacancy within the police department. A recruit testing process was initiated in January of this year, with 124 applications received for the position Recruit Police Officer.

The Police Department's hiring process consisted of a written examination, a physical agility test, police oral review board, background investigation (which includes a polygraph examination, neighborhood interviews, and employer interviews), and a Public Safety Committee oral interview.

Before the Board this evening for consideration for appointment to the position of Recruit Police Officer is Mr. Anthony Shearer. Mr. Shearer is the top ranked candidate for the position of Recruit Police Officer. Mr. Shearer was born and raised in Mifflin Township, Pennsylvania. Mr. Shearer attended Montgomery County Community College and is also a 2011 graduate of the College's Act 120 Police Academy Program. Since 2013, Mr. Shearer has served as a police officer with the Lewistown Borough Police Department. Mr. Shearer currently serves as a field training officer, firearms instructor, and bicycle patrol officer for the department as well. Mr. Shearer has also served as a police officer for Mifflin Borough Police Department and Department of Homeland Security prior to his employment with the Lewistown Borough Police Department.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

Funding to fill this position was included in the 2016 Approved Budget.

RECOMMENDATION:

It is recommended that Anthony Shearer be sworn in as a Recruit Police Officer with an effective date of hire of July 12, 2016.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby appoint Anthony Shearer to the position of Recruit Police Officer in the Montgomery Township Police Department, effective July 12, 2016.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Donation Presentation- North Wales Library

MEETING DATE: July 11, 2016

ITEM NUMBER: #7

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: Information:

INITIATED BY: Stacy Crandell

BOARD LIAISON: Joseph P. Walsh, Chairman

Assistant to the Township Manager

BACKGROUND:

This evening the Board will be presenting a check in the amount of \$1,500 to the North Wales Library. Jayne Blackledge will be present at the meeting to accept the check on behalf of North Wales Library.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Adoption of Ordinance#16-295- Approving Participation in Intergovernmental Cooperation Agreement Wissahickon Creek Alternative TMDL

MEETING DATE: July 11, 2016

ITEM NUMBER: # 8

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: xx Policy: Discussion: Information:

INITIATED BY: Stacy Crandell

Assistant to the Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman

BACKGROUND:

The municipalities located in the Wissahickon Creek Watershed are obligated under the PA DEP's MS4 and NPDES programs to develop and implement a stormwater management plan, and to comply with their respective Sewage Facilities Plans, which contain the strategies to meet the municipality's MS4, NPDES and TMDL obligations. US EPA is poised to issue a new TMDL for the Wissahickon Creek Watershed which will include a new Total Phosphorus TMDL, which if technically defensible, is believed to include requirements that are unachievable.

The municipalities and wastewater treatment plant operators in Montgomery and Philadelphia Counties recognize that watersheds such as the Wissahickon Creek Watershed, cross municipal boundaries. With this in mind, it is recognized that it is in the best interest of their residents and property owners to participate in a collaborative effort to develop an Alternative to the proposed EPA Total Phosphorus TMDL.

Over the past few months, the municipalities and wastewater treatment plant operators have been working to put together an Intergovernmental Cooperation Agreement to move forward on this process. Ordinance#16-295 is to authorize the Township to approve this agreement. Earlier this year, the Board of Supervisors approved a resolution for the initial participation in this collaborative effort. This ordinance will allow the Township to approve the more formal intergovernmental agreement.

Below are the highlights of the agreement:

- The agreement includes 16 municipalities including Philadelphia County and 4 water treatment plants.
- This agreement is to develop a plan for an Alternative TMDL for all affected in the Wissahickon Creek Watershed.
- The funding for the preparation of this plan is estimated to cost around \$1.5 million. With a grant that was secured from the William Penn Foundation by the Pennsylvania Environmental Council (PEC) in the amount of \$1.2 million, the participants in this agreement would have to cover the additional \$250,000. Several different ways of splitting the cost were discussed, the group decided to split up the cost equally. This would make the Township's portion of the cost to be \$12,500. The amount will be \$6,250 per year for the term of the agreement.
- Each participant will have a representative and an alternative on the Management Committee and are entitled to one vote on all matters addressed at the meeting and for which a vote is taken.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

On January 25, 2016, the Board of Supervisors approved a resolution authorizing the Township participation in an Inter-Municipal Collaboration for the Alternative TMDL.

On June 27, 2016, the Board of Supervisors approved a resolution authorizing the advertisement of the proposed Ordinance#16-295 to approve the Intergovernmental Agreement for the Alternative TMDL.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

The Township's portion of the cost would be \$12,500 total but would be broken down into two payments of \$6,250 per year for the term of the agreement.

RECOMMENDATION:

Township Staff recommends that the Board adopt Ordinance#16-295 Approving participation in the Intergovernmental Cooperation Agreement Wissahickon Creek Alternative TMDL.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby adopt Ordinance #16-295, approving participation in the Intergovernmental Cooperation Agreement for the Wissahickon Creek Alternative TMDL.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP

ORDINANCE #16-295

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO ENTER INTO AN
INTERMUNICIPAL AGREEMENT FOR THE DEVELOPMENT OF AN
ALTERNATIVE TMDL PLAN FOR THE WISSAHICKON CREEK WATERSHED

ENACTED: _____

MONTGOMERY TOWNSHIP

ORDINANCE #16- 295

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERMUNICIPAL AGREEMENT FOR THE DEVELOPMENT OF AN ALTERNATIVE TMDL PLAN FOR THE WISSAHICKON CREEK WATERSHED

IT IS HEREBY ENACTED AND ORDAINED by the Montgomery Township Board of Supervisors as follows:

SECTION 1. Short Title.

This Ordinance shall be known and may be cited as the "Intergovernmental Agreement for the Development of an Alternative TMDL Plan for the Wissahickon Creek Watershed".

SECTION 2. Legislative Intent.

- A. Montgomery Township is a second class township.
- B. The Act of December 19, 1996, P.L. 1158, No. 177, referred to as the Intergovernmental Cooperation Law provides that local governments may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers, or responsibilities.¹
- C. The Wissahickon Creek Watershed Municipalities (including Abington Township, Ambler Borough, Cheltenham Township, Horsham Township, Lansdale Borough, Lower Gwynedd Township, Montgomery Township, North Wales Borough, Philadelphia County, Springfield Township, Upper Dublin Township, Upper Gwynedd Township, Upper Moreland Township, Whitmarsh Township, Whitpain Township, and Worcester Township) and certain wastewater treatment plants, including Abington Township Wastewater Treatment Plant, Abington Borough Wastewater Treatment Plant, Upper Gwynedd Township Wastewater Treatment Plant, Upper Dublin Township Wastewater Treatment Plant (Bucks County Water & Sewer Authority) ("Parties") desire to enter into an

¹ See 53 Pa. C.S. §2301, *et seq.*

Intermunicipal Agreement for the development of an Alternative TMDL Plan for the Wissahickon Creek Watershed ("Agreement").

SECTION 3. Goals and Objectives: Scope of the Study.

- A. The goal of the Alternative TMDL Plan is to achieve water quality standards in water bodies throughout the Wissahickon Creek Watershed.
- B. The objectives of the Alternative TMDL Plan are delineated in the attached Agreement's Attachment "A" ["Milestones"].

SECTION 4. Agreement Terms.

- A. The terms of the Agreement, including (1) identification of the parties involved; (2) guiding principles; (3) goals and objectives; (4) administrative organization; (5) applicable laws; (6) integration; (7) no oral modification; (8) severability; (9) representation by counsel; (10) counterparts; and (11) execution by facsimile or electronic scanning, are set forth in the attached Agreement as Appendix "A" and incorporated in this Ordinance as though set forth in full.
- B. In addition to the required funding under the terms of the Agreement, any additional funds for the implementation and enforcement of the Agreement may be appropriated by the Board of Supervisors, as it shall determine, in its sole discretion, from time to time by resolution.

SECTION 5. Authority to Enter Agreement.

The Chairman of the Board of Supervisors is hereby authorized to execute all documents and perform all necessary actions to cause the Township to enter into the Agreement, the terms of which are officially adopted through the enactment of this Ordinance.

SECTION 6. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of

the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 7. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 8. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of June, 2016, by the Montgomery Township Board of Supervisors.

**MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS**

JOSEPH P. WALSH, *Chairman*

[Seal]

Attested by:

LAWRENCE J. GREGAN
Township Manager/Secretary

DRAFT (6-8-16)
Intergovernmental Agreement
for Development of a Plan for an Alternative TMDL
for the Wissahickon Creek Watershed.

Section 1 Intergovernmental Agreement.

THIS AGREEMENT is made by and among each of the Wissahickon Creek Watershed Municipalities and Wastewater Treatment Plants executing this Intergovernmental Agreement (Agreement) for the preparation of the Wissahickon Watershed Alternative TMDL Plan (Plan), each Party shall individually be referred to as a "Party" and shall collectively be referred to as the "Parties". The list of Parties is as follows, and shall be updated by Addendum as necessary. This Agreement is authorized by Chapter 23, Subchapter A (relating to intergovernmental cooperation) of the General Local Government Code, 53 Pa. C.S. §2301 et seq.

Municipalities

Abington Township	Philadelphia County
Ambler Borough	Springfield Township
Cheltenham Township	Upper Dublin Township
Horsham Township	Upper Gwynedd Township
Lansdale Borough	Upper Moreland Township
Lower Gwynedd Township	Whitemarsh Township
Montgomery Township	Whitpain Township
North Wales Borough	Worcester Township

Wastewater Treatment Plants:

Abington Township Wastewater Treatment Plant
Ambler Borough Wastewater Treatment Plant
Upper Gwynedd Township Wastewater Treatment Plant
Upper Dublin Township Wastewater Treatment Plant (Bucks County Water & Sewer Authority)

Section 2 Definitions.

Consultant: The team formed by the Pennsylvania Environmental Council (PEC), comprised of members of PEC, the Wissahickon Valley Watershed Association, the Environmental Finance Center, the Center for Sustainable Communities, and the Montgomery County Planning Commission

Legal Services: Legal representation selected by the Management Committee to represent its interests and concerns pertaining to the preparation and adoption of the Alternative TMDL in interaction with the PADEP and/or the US EPA.

Expert Panel Services: A panel of technical experts, whose number and individuals will be selected by the Management Committee, whose purpose is to review the engineering and

scientific work portions of the Alternative TMDL Plan, and to independently verify the results of that work.

Section 3 Guiding Principles.

- a. The Parties have a mutual interest in restoring the impaired waters of the Wissahickon Creek Watershed and recognize that the issues associated with the TMDL developed by the EPA are too large for any one municipality to effectively address, and therefore commit to work together in a mutually cooperative and respectful manner to develop an Alternative TMDL Plan.
- b. To evaluate the data obtained to develop a scientifically defensible strategy that is acceptable to the Parties, PADEP, and USEPA, and which identifies specific areas within the watershed that have characteristics that may be contributing to the reduced water quality.
- c. Said strategy will include developing a list of potential projects and or policies to reduce the existing deleterious characteristics and practices, including remediating degraded physical conditions in the watershed, replacing existing structures, implementing new practices and constructing facilities to enhance the impaired surface waters in the Wissahickon Creek Watershed as effectively and efficiently as possible.
- d. The Parties agree that projects will be assessed and prioritized based on the anticipated ability to provide results that can be measured to monitor the progress of water quality improvements. The effectiveness of a project, or projects, would be evaluated and a determination made on the type(s) of subsequent work projects to pursue during the implementation phase, which is a separate phase from this plan development phase.

Section 4 Goals and Objectives: The scope of study

The goal of the Alternative TMDL is to achieve water quality standards in water bodies throughout the Wissahickon Creek watershed.

Objectives: The objectives of the Alternative TMDL are delineated in Attachment "A", "Milestones".

Section 5 Administration and Organization.

Effective Date.

- a. The Effective Date of this Agreement shall be (DATE), by which time all Parties will have adopted the attached Ordinance authorizing the Agreement and executed the Agreement.
- b. This Agreement shall become effective as to each Party upon execution and adoption of the Ordinance.

Term

- a. The term of this Agreement (Term) shall be two (2) years, beginning on the Effective Date. All Parties approving this Agreement must participate for the entire time period.
- b. This Agreement may be extended by those Parties desiring to participate for an additional year, by resolution.

Party Representation

- a. Participation in preparation of the Plan shall be through either the Stakeholder Group or the Management Committee. Members of the Management Committee are entitled to be part of the Stakeholder Group.
- b) A Stakeholder Group shall be convened, consisting of one or more representatives of each Party, the Wissahickon Valley Watershed Association, Friends of the Wissahickon, PADEP, EPA, and Montgomery County. Other stakeholders may be invited to attend the Stakeholder Group meeting as appropriate.
- c) The Stakeholder group shall review and comment on various materials, sections of the Plan, and the complete Plan in draft and final. The Stakeholder group shall have no voting privileges, but is intended to provide input on the Plan.
- d) Management Committee: Each Party shall designate a primary voting representative and an alternate to serve as the representative on the Management Committee regarding all matters related to the Plan preparation. The name of and contact information for the representative and alternate shall be provided to the Consultant in writing, as well as any subsequent changes.
 - 1) The Management Committee shall consist of one (1) representative from each Party. The twenty (20) voting representatives (primary voting representatives) will form the Management Committee. The alternate shall be entitled to fully participate in all Stakeholder and Committee meetings, but may vote only when the designated representative is unavailable.
 - 2) The members of the Management Committee shall be appointed by their governing board, shall serve at the discretion of their board for an indefinite term, and shall regularly report to their governing body and provide drafts of materials prepared for review and comment by their governing body.
 - 3) Where a Management Committee member vacates his or her position, the Party shall appoint a new representative, in a timely manner, such that the Management Committee does not have a vacancy for any forthcoming meeting.
- e) Officers - Members of the Management Committee shall elect officers, to include 2 Co-Chairs, a Secretary and a Treasurer. Those Officers shall perform the duties necessary to implement this Agreement and as generally envisioned by Robert's Rules of Order, latest edition. An Officer shall serve for the duration of the Term, unless he or she resigns as an officer, as agreed to by the Management Committee. The Management Committee shall appoint a replacement for any officer who is unable to complete the term.
 - 1) Treasurer - shall collect, maintain and disburse funds in a timely fashion for legitimate expenses related to Legal Services and Expert Panel Services, as approved by the Management Committee.
- f) Administration: Officers of the Management Committee will administer the activities of the Management Committee. The following are tasks that shall be undertaken and the responsibility of administration. The Management Committee may choose to delegate some or all of these activities to the Consultant:
 - 1) Preparation and circulation of minutes to all Parties from all Management Committee meetings.

- 2) Hold all Management Committee meetings.
- 3) Review and comment on all draft Alternative Plan documents and revisions prepared by the Consultant, and submit the Plan as approved by the Management Committee to PADEP and EPA.
- 4) Review and Submit progress reports prepared by the Consultant to PADEP and EPA in a timely manner.
- 5) Calculate and invoice fees for each Party.
- 6) Retain all records, as that term is defined by the Pennsylvania Right-to-Know Law, for the time period required by applicable law but not less than six (6) years.

Meetings.

- a) The Management Committee shall organize and schedule routine meetings of the Management Committee as needed, but at least quarterly.
- b) The purpose of the meetings shall be to conduct the following activities as necessary:
 - 1) Review and comment on, and when necessary vote on draft and final sections of the Plan.
 - 2) Presentation and approval of Progress Reports.
 - 3) Presentation and approval of the Financial Report.
 - 4) Presentation of report(s) to PADEP, EPA and other agencies.
 - 5) Presentation and vote on other Party business pertaining to the Plan process.
 - 6) Oversight and coordination of all aspects of the Legal Services and Expert Panel Services.
- c) Except as otherwise provided herein, all voting shall be completed by voice vote and decisions shall be based on a simple majority vote of Management Committee Parties in attendance.
- d) Each Party in attendance shall be entitled to one (1) vote on all matters addressed at a meeting and for which a vote is taken.
- e) Quorum. A quorum (more than 50% of Management Committee members as represented by a voting representative) is necessary for the Management Committee to take official action.
- f) The Management Committee shall comply with all laws applicable to the Parties, including, but not limited to, the Public Official and Employees Ethics Act, the Sunshine Act, and any and all other applicable laws. All actions of the Management Committee shall be approved by a majority of its voting members. Management Committee members shall be entitled to attend meetings of the Management Committee, which shall occur no less than four (4) times per year or more frequently as needed, following advance written notice to all members of the Management Committee by regular mail, facsimile or email.

Financing

- a) A monetary contribution shall be provided by each Party, to cover the costs of Legal Services and Expert Panel Services. The total cost for these services is not to exceed \$250,000 in total.
 - 1) Contribution Formula. The contribution from each Party shall be \$6,250 per Party per year for the Term. Depending on the costs incurred for legal representation and the

expert review panel, these costs may be less, but in any event they shall not exceed a total of \$12,500 per Party for the duration of the Term.

- 2) Invoicing and Payment. Parties shall be invoiced no later than June 30 of each calendar year, and the Parties' respective payments shall be due on or before July 31 of each year.
- 3) Organization Account. A separate Management bank account shall be established by the Management Committee for the deposit of each Party's Annual Contributions and the funds therein shall be used solely for reimbursement for eligible costs and expenses pertaining to Legal Services and Expert Panel Services. Administration of these funds to pay for proper expenses under this Agreement shall be the responsibility of the Management Committee.
- 4) Remaining Funds. Any funds remaining at the conclusion of the Term, shall be returned to the Parties, divided equally among the Parties that have paid their Annual Contribution. Such funds shall be disbursed to the Parties remaining at the completion of the Term no more than thirty (30) days after the date of Term completion.

Section 6 Applicable Law

The Parties agree and affirm that Pennsylvania law applies to this Agreement and all matters covered by and addressed by this Agreement. It is acknowledged and agreed that the sole and exclusive jurisdiction and venue for any dispute relating to any matter covered by this Agreement, and/or regarding any dispute over the enforcement or Interpretation of this Agreement, shall rest with the Montgomery County Court of Common Pleas. The Parties hereby submit to the exclusive jurisdiction of that Court.

Section 7 Integration

This Agreement contains the entire agreement between the Parties. There are no understandings or agreements, verbal or otherwise, in relation hereto, except those expressly and specifically set forth herein. The Parties have not relied upon any statement, projection, disclosure, report, information or any other representation or warranty except for those as may be specifically and expressly set forth in this Agreement.

Section 8 No Oral Modification

This Agreement may not be modified except in writing executed by all Parties. This Agreement shall be amended only in writing, by duly authorized representatives of all Parties, and such revision(s) must be approved by official action of each Party jurisdiction, and as required by any applicable law of the Commonwealth.

Section 9 Severability

No determination by any court, governmental body, arbitration, or other judicial body, that any provision of this Agreement or any amendment that may be created hereto, is invalid or unenforceable in any instance shall affect the validity or enforceability of any other provision of the Agreement or applicable amendment. Each provision shall be valid and enforceable to the fullest extent permitted by applicable law, and shall be construed where and whenever possible as being consistent with applicable law.

Section 10 Representation by Counsel

This Agreement has been negotiated by the Parties through their respective legal counsel and embodies terms that were arrived at through mutual negotiation and joint effort, and the Parties shall be considered to have contributed equally to the preparation of this Agreement. The Parties warrant and represent that the terms and conditions of this Agreement have been discussed and negotiated between them, and their respective counsel, and are voluntarily and knowingly accepted for the purpose of making a full and final compromise between the Parties, as referenced herein. The Parties further acknowledge that they understand the facts and their respective legal rights and obligations pursuant to this Agreement.

Section 11 Counterparts

This Agreement may be executed in counterparts, each of which will be an original, and all of which taken together shall constitute one and the same instrument.

Section 12 Execution by Facsimile or Electronic Scanning

Delivery of an executed counterpart of this Agreement by facsimile, or by electronically scanning and e-mailing an executed counterpart signature page, while not specifically required, will be acknowledged by the Parties as being equally as effective as delivery of a manually executed counterpart of this Agreement. The use of a signature page received by facsimile, or through an electronic scan and e-mail, shall not affect the validity, enforceability, or binding effect of this Agreement.

Attachment "A"
Alternative TMDL Milestones and Activities

Project Result:

An Alternative Nutrient TMDL Plan (Plan) supported by the Permittees and approved by PADEP and USEPA, with associated MS4/TMDL permit issuance to follow. The Plan will demonstrate benefits of a successful multi-municipal approach to coordinating required stormwater and phosphorous discharges to achieve regulatory reductions into the Wissahickon Creek.

Milestone 1

Montgomery County Planning Commission (MCPC) designated to convene the 'Wissahickon Alternative TMDL Stakeholder Collaborative' (aka 'Collaborative') consisting of a core group of the (16) watershed municipalities and (4) WWTPs (the 20 Permittees) that is recognized by the US EPA and includes external stakeholders such as WVWA and FOW.

Activities:

- Led by MCPC, organizational structure finalized and implemented for the Collaborative.
- Coordination procedures with regulatory agencies approved and implemented.
- MCPC conducts regular monthly Collaborative meetings for the duration of the project.

MILESTONE 2

EFC works with each Collaborative member to develop a long term comprehensive financial strategy for implementing approved Alternative Nutrient TMDL plan projects/programs.

Activities:

- Initial individual Collaborative member engagement and baseline economic assessments completed
- Agreement with EPA executed for implementation expenditures.

MILESTONE 3

PEC coordinates the Technical Team to develop an Alternative Nutrient TMDL, using strategic guidance from WVWA, with plan approval by PA DEP and US EPA.

Activities:

- PEC forms a Technical Team consisting of CSC, EFC, MCPC, and legal counsel to be selected by the Permittees, with input from the Technical Team.

MILESTONE 4

Within 3 years of the signing of the IGA or sooner, Technical Team recommends an Alternative Nutrient TMDL science-based strategy for the Wissahickon watershed, submitted to PA DEP and US EPA for review and approval.

Activities:

- Key results of recent and ongoing studies and modeling efforts for the Wissahickon Creek watershed are compiled to fully describe the problems causing the water quality impairments

- Strategies and projects for Permittees to address water quality impairments and improve water quality are identified, evaluated, and prioritized for the watershed
- Temple CSC implements a preliminary adaptive watershed monitoring program during the planning process (month 6) with a long-term plan developed and adopted by the Collaborative to assess water quality improvements going forward

MILESTONE 5

Within 3 years of the signing of the IGA or sooner, EFC and Collaborative develop a long term comprehensive financial strategy for implementing approved Alternative Nutrient TMDL plan projects/programs.

Activities:

- In coordination with Temple CSC work, costs of plan projects/programs and associated timelines identified
- Equitable funding strategy approved by Collaborative members reflective of the capacities of individual municipalities, multi-municipal authorities and potential for other public and private funding sources.

MILESTONE 6

By the beginning of the third year from the signing of the IGA or sooner, strategies developed and deployed to ensure education and outreach is completed to build support for the Alternative TMDL plan.

Activities:

- Lead by WVWA, residents of the Wissahickon are kept informed of project progress, educated and encouraged to understand why Wissahickon water quality needs to be improved and how a TMDL Alternative may be a beneficial solution.
- Expand on existing DRWI programs including workshops, restoration site visits, and municipal technical assistance as necessary to accomplish the above activities.

MILESTONE 7

By the first quarter of the third year from the signing of the IGA or sooner, approved Alternative Nutrient TMDL Plan process documented with benefits/lesson learned compiled and, led by PEC, information dissemination actively underway in the DRWI, Delaware Watershed and Pennsylvania.

Activities:

- TMDL Alternative Plan Draft Report compiled and presented to public and regulators for review with multi-municipal TMDL Alternative Plan Report finalized thereafter.
- PEC devises and initiates a process for documentation and dissemination of a successful Alternative TMDL process; recruits and contracts with a professional to document alternative TMDL process.
- PEC defines multi-municipal benefits and develops strategies to promote multi-municipal Alternative TMDL process elsewhere in the DRWI clusters, across the Delaware basin and throughout Pennsylvania. Robust dissemination implemented as evidenced by a minimum of

five (5) professional presentations, and three (3) articles published via print or electronic platforms.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Authorization for Repair of the Fire Department's Ladder 18 Hydraulic System

MEETING DATE: July 11, 2016

ITEM NUMBER: #9

MEETING/AGENDA:

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Policy: Discussion: Information:

INITIATED BY: Richard M. Lesniak
Director of Fire Services

BOARD LIAISON: Robert J. Birch, Supervisor
Liaison – Public Safety Committee

BACKGROUND:

While performing maintenance on Ladder 18, our service technician noted hydraulic oil leaking from the left rear outrigger jack cylinder. Said equipment is used to stabilize the apparatus when the aerial ladder is being used.

In December of 2015, the left front outrigger had a similar failure. In order to make the necessary repairs, the apparatus needs to be taken to Glick Fire Equipment Company, Inc. in Lancaster. The cylinder needs to be removed from the vehicle and sent to a third party vendor who installs new seals. When this happened in December of 2015, Ladder 18 will be out-of-service for approximately six (6) weeks while the repairs were performed.

Glick Fire Equipment Company, Inc. provided an estimate dated June 16, 2016 in the amount of \$5,566.00 to repair said part.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

The Board of Supervisors approved the 2016 budget with \$50,000.00 budgeted for vehicle maintenance.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Given the amount of time it takes to make the necessary repairs, the Department would like to limit the out-of-service time for Ladder 18 by repairing both the left and right rear cylinders at the same time. Glick Fire Equipment Company Inc. provided an estimate dated June 16, 2016 in the amount of 11,050.00 to repair both cylinders.

It is recommended that the Board of Supervisors approve Glick Fire Equipment Company, Inc. to repair both the left and right rear outrigger jack cylinders at a cost of \$11,050.00.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby authorize Glick Fire Equipment Company, Inc. to repair both the left and right rear outrigger jack cylinders at a cost of \$11,050.00.

MOTION: _____ SECOND: _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

GLICK

FIRE EQUIPMENT CO.

350 Mill Creek Road, Bird-in-Hand, PA 17505
Phone: 717-299-4120 Fax: 717-299-4324
www.glickfire.com

BILL TO:

MONTGOMERY TWP DEPT OF FIRE SERVICES
ACCOUNTS PAYABLE
1001 STUMP ROAD
MONTGOMERYVILLE, PA 18936-9605

Customer ID: MONTTOWN

Service Estimate

Estimate Number: S0246539

Estimate Date: 06/16/2016

TRUCK INFO:

Truck Mfg. #: EONE124397

Unit ID: LADDER 18

Authorization: _____

Signature of Company Representative

Date: ____/____/____

Quantity	Part #	Part Description	Unit Cost	Extended Cost
1	LABOR-G	LABOR SHOP WORK - Remove both left and right rear outrigger jack cylinders. Send for repair. Re install after repairs and test operation.	\$11,050.00	\$11,050.00

Sub Total: \$11,050.00

Tax: \$0.00

Balance Due: \$11,050.00

TERMS: NET 15; FOB BIRD IN HAND, PA; SERVICE ESTIMATE VALID FOR 30 DAYS

Thursday, June 16, 2016

Page 1 of 1

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Authorization to Advertise Public Hearing – Ordinance #16- 297Z
Amendments to Floodplain Regulations in Zoning and SALDO Ordinance

MEETING DATE: July 11, 2016

ITEM NUMBER: #10

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Bruce Shoupe
Director of Planning and Zoning

BOARD LIAISON: Joseph P. Walsh
Chairman

BACKGROUND:

The Board adopted Ordinance # 15-292 on February, 22, 2016 adopting new Floodplain Conservation District regulations in the Township Zoning Code to maintain the Township's compliance with the requirements of the National Flood Insurance Program.

Following adoption of this ordinance, two additional changes were identified for inclusion in the Floodplain Regulations to: 1) provide a description of Zone AE in Section 230-12 (Identification of Floodplain Area); and 2) prohibit manufactured homes within the floodplain.

In addition, amendments to the Township's Land Development and Subdivision Code are being proposed for adoption to ensure consistency with the Floodplain Regulations in the Zoning Code.

This draft has been developed by the Township Solicitor and staff.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT: None

PREVIOUS BOARD ACTION: None

ALTERNATIVES/OPTIONS: None

BUDGET IMPACT: None

RECOMMENDATION:

The Board of Supervisors establish September 26, 2016, as the date for a Public Hearing.

MOTION/RESOLUTION:

The Resolution is attached.

MOTION _____

SECOND _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candye Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank B. Bartle, Esq.

Resolution #

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby set Monday, September 26, 2016, after 8:00 PM in the Township Building as the date, time and place for a Public Hearing to consider Ordinance #16-297-Z, an ordinance 1) amending the Zoning Code regarding Article IV – Floodplain Conservation District. This will provide a description of Zone AE in Section 230-12 (Identification of Floodplain Area) and prohibit manufactured homes within the floodplain; and 2) amending the Township's Land Subdivision Ordinance to ensure consistency with Ordinance #15-292 – Amendment of Article IV (Floodplain Conservation District) of the Township's Zoning Ordinance.

Be it further resolved that the Township Solicitor be authorized to advertise said public hearing date and time.

MOTION BY:

SECOND BY:

VOTE:

DATE:

xc: F. Bartle, B. Shoupe, M. Stoerrle, Minute Book, Resolution File, File

MONTGOMERY TOWNSHIP

ORDINANCE #16-297Z

AN ORDINANCE AMENDING (1) THE TOWNSHIP'S ZONING ORDINANCE ARTICLE IV [FP FLOODPLAIN CONSERVATION DISTRICT] TO PROVIDE A DESCRIPTION OF ZONE AE IN SECTION 230-12 [IDENTIFICATION OF FLOODPLAIN AREAS] AND PROHIBIT MANUFACTURED HOMES WITHIN THE FLOODPLAIN; AND (2) THE TOWNSHIP'S LAND SUBDIVISION ORDINANCE TO ENSURE CONSISTENCY WITH ORDINANCE 15-292Z's AMENDMENT OF ARTICLE IV [FLOODPLAIN CONSERVATION DISTRICT] OF THE TOWNSHIP'S ZONING ORDINANCE

ENACTED: _____

MONTGOMERY TOWNSHIP

ORDINANCE #16-297Z

AN ORDINANCE AMENDING (1) THE TOWNSHIP'S ZONING ORDINANCE ARTICLE IV [FP FLOODPLAIN CONSERVATION DISTRICT] TO PROVIDE A DESCRIPTION OF ZONE AE IN SECTION 230-12 [IDENTIFICATION OF FLOODPLAIN AREAS] AND PROHIBIT MANUFACTURED HOMES WITHIN THE FLOODPLAIN; AND (2) THE TOWNSHIP'S LAND SUBDIVISION ORDINANCE TO ENSURE CONSISTENCY WITH ORDINANCE 15-292Z's AMENDMENT OF ARTICLE IV [FLOODPLAIN CONSERVATION DISTRICT] OF THE TOWNSHIP'S ZONING ORDINANCE

IT IS HEREBY ENACTED AND ORDAINED by the Montgomery Township Board of Supervisors that the Township's Zoning Ordinance and Land Subdivision Ordinance are hereby amended as follows:

SECTION 1. Amendment to the Township's Zoning Ordinance, Article IV [Floodplain Conservation District].

Article IV [Floodplain Conservation District] of the Township's Zoning Ordinance shall be amended and will read as follows:

Article IV. FP FLOODPLAIN CONSERVATION DISTRICT

§ 230-10. Statutory Authorization

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Montgomery Township does hereby order in the FP Floodplain Conservation District the following regulation shall apply.

§ 230-11. General Provisions

A. Intent

In addition to the purpose stated in Article I, §230-2, of the Montgomery Township Zoning Ordinance, the specific intent of this article shall be to protect areas of floodplain subject to and necessary for the containment of floodwaters. Furthermore, in light of the Township's certification as eligible for federal flood insurance, it is the

intent of this article to provide adequate protection for flood-prone properties within Montgomery Township. In advancing these principles and the general purposes of the Zoning Ordinance and the adopted Township Comprehensive Plan, the following shall be the specific objectives in the FP Floodplain Conservation District:

1. Protect areas of the floodplain necessary to contain floodwaters.
2. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.
3. To combine with present zoning requirements certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Township.
4. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
5. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas and promoting safe and sanitary drainage.
6. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
7. Comply with federal and state floodplain management requirements.
8. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazards.
9. To provide retention areas for the temporary storage of floodwaters.
10. To permit only those uses which can be appropriately located in the floodplain, as herein defined, and which will not impede the flow or storage of floodwaters or otherwise cause danger to life and property at, above or below their locations along the floodplain.
11. To provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.
12. To protect those individuals who, despite the flood dangers, develop or occupy land on a floodplain resulting from a use which is nonconforming by virtue of this article.
13. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of floodwaters.
14. To protect the entire Township from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Township.
15. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.
16. To provide areas for the deposition of flood-borne sediment.
17. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from damage in accordance with the

requirements of the Federal Flood Insurance Program, P.L. 90-448, and the Pennsylvania Flood Plain Management Act, P.L. 851, No. 166 of 1978, and as either is amended. *Editor's Note: See 32 P.S. § 679.101 et seq.*

B. Abrogation and Greater Restriction

This ordinance supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

C. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

D. Warning and Disclaimer Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain Conservation District, or that land uses permitted within such areas, will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of Montgomery Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

§ 230-12. Identification of Floodplain Areas

A. District Established

The Floodplain Conservation District is defined and established as follows:

1. The Floodplain Conservation District is defined and established as a district applicable to those areas of Montgomery Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) dated March 2, 2016 (and all subsequent revisions and amendments), and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 (and all subsequent revisions and amendments), and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. Said floodplains shall be comprised of the following specific areas:
 - a. The Floodway Area/District shall be those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved

in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

- i. Within any floodway area, no encroachments, including fill, new construction, substantial Improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - ii. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- b. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- i. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- c. Community Identified Flood Hazard Areas shall be those areas where Montgomery Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.
- d. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.
- e. In lieu of the above, Montgomery Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- f. (Reserved)
- g. Alluvial Soils.
- i. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at

<http://websoilsurvey.nrcs.usda.gov/>), including, but not limited to, the following soils:

- Bowmansville (Bo)
 - Knauers (Bo)
 - Rowland (Rt)
- ii. Any party wishing to develop in such areas shall supply engineering studies to the Township sufficient so that the Township Engineer may determine if said area(s) are to be considered as a one-hundred-year floodplain. If said area(s) is not part of the area proposed for building, the Township may not require such studies at the advice of the Township Engineer, but the Township shall require said soil areas to be appropriately identified on all subdivision, development or building plans to be submitted to the Township.
2. The Floodplain Conservation District shall be delineated on the Floodplain Overlay Map of Montgomery Township, which is hereby made a part of this chapter and is available for inspection at the Township office. Whenever there is a difference between said Map and the data contained in the sources described in Section 230-11.A.1 of this section, the data contained in said sources shall determine the boundary of the District.
 3. Studies used to establish the floodplain boundaries shall be available in the Township Building for reference.
 4. Use of information. The Township Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that all new construction, substantial improvements or other developments in Zone A shown on the FEMA Flood Insurance Rate Maps adhere to the requirements under the NFIP § 60.3(c)(2), (3), (5) and (6) and § 60.3(d)(3).
 5. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.
 6. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Montgomery Township unless a Permit has been obtained from the Floodplain Administrator.
 7. A Permit shall not be required for minor repairs to existing buildings or structures.

B. Changes in the FP Floodplain Conservation District Area

The Floodplain Conservation District may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

C. Boundary Disputes: Appeals Procedure

1. In case of any dispute concerning the boundaries of a Floodplain Conservation District, initial determination shall be made by the Township Code Enforcement Officer, who shall seek the advice of the Township Engineer as necessary in making said determination.
2. Any party aggrieved by the decision of the Code Enforcement Officer as to the boundaries of the Floodplain Conservation District, as defined above, which may include the grounds that said map referred to therein is or has become incorrect because of changes due to natural or other causes or changes indicated by future detailed hydrologic and hydraulic studies, may appeal to the Zoning Hearing Board as provided in Article XXIII, §§ 230-182 to 230-185 of this chapter. The burden of proof in such an appeal shall be on the applicant.
3. Whether a proposed use is within the Floodplain Conservation District shown on the Floodplain Overlay Map shall, upon appeal from the decision of the Code Enforcement Officer, be determined by the Zoning Hearing Board upon receipt of the findings of the detailed on-site survey by the petitioner. The Zoning Hearing Board, in addition to other evidence and standards, shall request the review and recommendations of the Township Planning Commission and other Township agencies or officials at least 45 days before the public hearing.
4. The Zoning Hearing Board may request the review and recommendations of the following agencies, on a case-by-case basis, to be determined by a consultation with the Code Enforcement Officer and the appropriate agency or individual: the United States Army Corps of Engineers, Philadelphia District; the Soil Conservation Service; the Township Engineer; the Montgomery County Planning Commission; the Neshaminy or Wissahickon Watershed Associations; and other technical agencies as necessary. Such request shall be made 45 days prior to the public hearing.
5. All changes to the boundaries of the Floodplain Conservation District are subject to the review and approval of the Federal Insurance Administrator.

D. Overlay Concept

The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

1. Should the Floodplain Conservation District be declared inapplicable to any tract by reason or action of the Township Board of Supervisors in amending this article; or the Code Enforcement Officer, the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same; or the Zoning Hearing Board or any court of competent jurisdiction in determining a legal effect of the same, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this article.
2. Should the zoning of any parcel or any part thereof in which the Floodplain Conservation District is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.

3. Where this article does not define the boundaries of the floodplain as defined in § 230-12 herein, the minimum setback from any watercourse for a structure shall be equal to the horizontal distance from the top of the bank of the watercourse extended to a point at which the elevation is one foot above the elevation of the top of the bank, as verified by the Township Engineer, or 50 feet, whichever is greater. All such changes to the boundaries of the Floodplain Conservation District are subject to the review and approval of the Federal Insurance Administrator.

E. Corporate Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

§ 230-13. Use Regulations

A. Permitted Uses

The following uses and no other will be permitted in a Floodplain Conservation District. All such uses shall be subject to the floodproofing requirements as stipulated in this article, as well as the Township Building Code and Subdivision and Land Development Ordinance, both as amended.

1. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual.
2. Pasture and grazing land in accordance with recognized soil conservation practices.
3. Outdoor plant nursery or orchard in accordance with recognized soil conservation practices, but permitting no structures.
4. Harvesting of any wild crops, such as marsh hay, ferns, moss, berries or wild rice.
5. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including: Wildlife sanctuary, nature preserves, woodland preserve, fishing areas, passive areas of public and private parklands, reforestation, and arboretum. Any construction, development or grading shall only be permitted in strict compliance with the provisions of this article.
6. Streambank stabilization.
7. Game farm, fish hatchery (if approved and supervised by the Pennsylvania Fish and Game Commission) or hunting and fishing preserve for the preservation or propagation of wildlife, but permitting no structures.
8. Forestry, lumbering and reforestation operations in accordance with recognized natural resource conservation practices and reviewed by the Montgomery County Conservation District, but permitting no structures; provided, however, that the provisions of § 230-14 are adhered to.

9. Utility transmission lines.
10. The following floodplain crossings are permitted, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable: Agricultural crossings by farm vehicles and livestock, driveways serving single family detached dwelling units, roadways, recreational trails, railroads, and utilities.
11. Sealed public water supply wells, with the approval of the Township Engineer.
12. Sealed sanitary sewers, with the approval of the Township Engineer.
13. Culverts, with the approval of the Township Engineer and the Commonwealth of Pennsylvania, Department of Environmental Resources, when applicable.
14. Front, side or rear yards and required lot area for any district, provided that such yards are not to be used for on-site sewage disposal systems or for fence or any other structure; further provided, however, that if it is not feasible, due to the amount of the floodplain, to provide adequate buildable area in accordance with the setbacks prescribed by the underlying district, the lot area shall be required to be increased an amount commensurate with that portion of the floodplain area which renders it impossible to achieve adequate buildable area.

B. Prohibited Uses

Any use or activity not authorized within Section 230-13.A, herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited.

1. The following uses shall be specifically prohibited in a Floodplain Conservation District, except where permitted by variance:
 - a. Construction, alterations, or improvements to freestanding structures, buildings, retaining walls, or any other permanent structure including fences with the exception of flood-retention dams and bridges, as approved by the Pennsylvania Department of Environmental Resources.
 - b. The encroachment, alteration, improvement or relocation of any watercourse.
 - c. Roads or driveways, except where permitted as corridor crossings in compliance with Section 230-13.A, herein.
 - d. Motor or wheeled vehicle traffic in any areas not designed to accommodate adequately the type and volume.
 - e. Parking lots.
 - f. Sod farming.
2. The following uses shall be specifically prohibited in a Floodplain Conservation District and shall not be subject to further consideration, in accordance with the Pennsylvania Flood Plain Management Act, P.L. 851, No. 166 of 1978, as amended.

- a. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials and toxic chemicals and hazardous wastes as defined in Act 97 of 1980, the Solid Waste Management Act.

- b. Development Which May Endanger Human Life

In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone.
- Ammonia.
- Benzene.
- Calcium carbide.
- Carbon disulfide.
- Celluloid.
- Chlorine.
- Hydrochloric acid.
- Hydrocyanic acid.
- Magnesium.
- Nitric acid and oxides of nitrogen.
- Petroleum products (gasoline, fuel oil, etc.).
- Phosphorus.
- Potassium.
- Sodium.
- Sulphur and sulphur products.
- Pesticides, including insecticides, fungicides and rodenticides.
- Radioactive substances, insofar as such substances are not otherwise regulated.

- c. All manufactured homes, manufactured home parks and manufactured home subdivisions.
- d. On-site/subsurface sewage disposal systems.

- e. Private water supply wells.
- f. Hospitals (public or private).
- g. Nursing homes (public or private).
- h. Jails or prisons.
- i. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under Section 230-13.A, herein, and where the effects of these actions are mitigated by reestablishment of vegetation.
- j. Placement of fill within the 100 year floodplain
- k. Use of fertilizers, pesticides, herbicides and/or other chemicals in excess of prescribed industry standards.

C. Uses Permitted by Special Exception

The following special exceptions shall be allowed or denied by the Zoning Hearing Board after recommendations by the Planning Commission pursuant to the standards set forth in this article:

1. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations, with the approval of the Township Engineer and pertinent sewer authorities.
2. Dams and bridges approved by the Commonwealth of Pennsylvania, Department of Environmental Resources.
3. Paved roads and driveways and parking lots, where required by the regulations of the zoning district applicable to the property without consideration of this article, provided that:
 - a. In the case of roads and driveways, no such facilities shall be permitted as a special exception if alternative non-floodplain alignments are feasible, as determined by the Township Engineer.
 - b. In the case of parking lots, no such lot shall be permitted as a special exception unless satisfactory evidence is submitted that such parking will not be used during periods of flood flow, thus posing no threat to the safety of the vehicles, their occupants and/or to downstream properties. Temporary parking for periods not to exceed one hour and/or parking for recreation uses would be examples of such exceptions.
 - c. Any road, driveway or parking lot located within the Floodplain Conservation District shall, to the extent feasible, upon the review and recommendation of the Township Engineer, be constructed of paving materials in accordance with the provisions of the Montgomery Township Subdivision and Land Development Ordinance.
4. Grading or regrading of lands, including the deposit of topsoil and the grading thereof. The application for a special exception for such a use shall be accompanied by the following:
 - a. Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, including the

necessary data to determine whether the boundaries of the Floodplain Conservation District would be affected if the application was granted.

- b. An application for amending the boundaries of the Floodplain Conservation District if the boundaries are affected by the grading or regrading of land.
 - c. A plan indicating the deposition of any fill or materials proposed to be deposited by the grading or regrading of land; such fill or other materials shall be protected against erosion by riprap, vegetative cover or bulkheading.
 - d. Fences of wood, wire or other materials which will not impede the flow of floodwaters.
5. Storm sewers or detention/retention basins, with the approval of the Township Engineer.
 6. Any other similar uses not listed herein are to be considered special exceptions and subject to the requirements herein.

D. Nonconforming Uses and Structures

Following the adoption of this article, any use or structure which is situated within the boundaries of the FP Floodplain Conservation District and which does not conform to the permitted uses specified in § 230-13.A herein shall become a nonconforming use or structure, regardless of its conformance to the district in which it is located, without consideration of this article.

1. The expansion or continuance of a nonconforming use or structure which is nonconforming with respect to the district in which it is located, without consideration of this article, shall be governed by the requirements of Article XX of this chapter. However, the Zoning Hearing Board shall ensure that the standards contained in § 230-14.D herein are applied to the expansion or continuance of said nonconforming use or structure.
2. The expansion or continuance of a nonconforming use or structure which is rendered nonconforming by the adoption of this article shall be governed by the standards contained in § 230-14.D herein. The Zoning Hearing Board shall ensure that these standards are enforced with respect to said nonconforming use or structure.

E. Improvements to Existing Structures

The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.
2. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in Section 230-12.A.1.b that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
3. No expansion or enlargement of an existing structure shall be undertaken in the direction of the streambank.

4. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
5. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
6. The above activity shall also address the requirements of §230-15.C(14).
7. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

§ 230-14. Procedures and Conditions for Variances and Special Exceptions

A. Application and Procedure for Considering Special Exceptions and Variances

1. A floodplain use permit shall be required for all construction and development in the floodplain. An application for a floodplain use permit shall be filed with the Code Enforcement Officer who shall make the initial determination on the application. For uses other than those permitted in Section 230-13.A, an application seeking approval of special exception or variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
2. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
3. Any application involving the use of fill, the construction of structures or the storage of materials shall be accompanied by the following:
 - a. A plan certified by a registered professional engineer which accurately locates the proposed floodplain use with respect to the floodplain district limits, channel or stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal; legal description of the property fill limits and elevations; and proposed floodproofing measures, including those required by the Township Building Code, as amended, and the provisions of this article.
 - b. Such of the following additional information as is deemed necessary by either the Code Enforcement Officer or the Zoning Hearing Board for evaluation of the effects of the proposal upon flood flows and floodplain storage and to render a decision on the proposed floodplain use:

- c. A typical valley cross section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development and high-water information.
 - d. A plan surface view showing the elevation or contours of the ground at vertical intervals of two feet; pertinent structures, fill or storage elevation; the size, location and spatial arrangement of all proposed and existing structures on the site; the location and elevation of streets, water supply, sanitary facilities and soil types and other pertinent information.
 - e. A profile showing the slope of the bottom of the channel.
 - f. Specifications for building construction and materials floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities in accordance with the provisions contained in the Montgomery Township code, as amended.
4. The application for special exception or use by variance shall be accompanied by detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as on the property in question.

B. Procedures for Considering Special Exceptions and Variances.

1. All applications for approval of special exceptions or variances shall be considered using standards listed in Section 230-14.D of this ordinance.
- a. The Zoning Hearing Board shall hold a public hearing within 60 days after an application is filed. Public notice of the hearing shall be given in accordance with Section 230-171 of this Zoning Ordinance.
 - b. The Zoning Hearing Board, in addition to other evidence and standards, shall request the review and recommendations of the Township Planning Commission and other Township agencies or officials as least 45 days before the public hearing.
 - c. The Zoning Hearing Board may request, at least 45 days prior to a public hearings, the review and recommendations of following agencies on a case-by-case basis to be determined by a consultation with the Code Enforcement Officer and appropriate agency or individual: the Montgomery County Planning Commission, the Neshaminy or Wissahickon Watershed Association, the United States Army Corps of Engineers, the Soil Conservation Services, the Township Engineer or other planning agencies, groups or individuals to assist in determining the impact of the proposed use.
 - d. The Zoning Hearing Board shall render a decision within 45 days after the public hearing. In rendering a decision, the Zoning Hearing Board may impose special measures or conditions are deemed reasonably necessary and appropriate for the use to conform with the intent of this article.

C. Special Requirements

1. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway

information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.

2. Recreational vehicles in Zones A1-30 and AE must either
 - a. Be on the site for fewer than 180 consecutive days, and
 - b. Be fully licensed and ready for highway use, or
 - c. Meet the permit requirement for manufactured homes in this section.

D. Standards for Granting Special Exceptions and Variances

1. The Zoning Hearing Board shall exercise discretion in allowing only those uses which are substantially in accord with the stated provisions in § 230-11 herein. The Zoning Hearing Board, in considering special exceptions or variance applications, shall consider the following:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
 - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. That such unnecessary hardship has not been created by the appellant.
 - d. That the variance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - e. The effect of the use shall not alter the carrying capacity of the stream and floodplains at the location of the proposed use.
 - f. Lands abutting the waterway, both upstream and downstream, shall not be adversely affected by the proposed use.
 - g. The general welfare or public interest of Montgomery Township or of other municipalities in the same watershed shall not be adversely affected. Nor create nuisances, causer fraud on, or victimize the public, or conflict with any other applicable state or local ordinances or regulations.
 - h. Any new or substantially improved structures permitted by special exception or by variance shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have no effect upon the flow and height of floodwater on other properties. Such structures shall be elevated in accordance with the provisions contained in the Montgomery Township Building Code, as amended.

- i. Any new or substantially improved structure permitted as a special exception or by variance shall be floodproofed in accordance with the provisions contained in the Montgomery Township Building Code, as amended.
2. All new or substantially improved structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - a. All such structures shall be constructed so as to prevent the entrance of floodwaters into the water supply and waste treatment systems as well as other utility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from such systems into the floodwaters.
 - b. In all such structures, there shall be provision in all fully enclosed areas below the base flood elevation of a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - c. In all such structures, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Any additions to existing structures permitted as a special exception or by a variance shall be elevated to the greatest extent possible according to the provisions contained in the Montgomery Township Building Code, as amended.
4. An affirmative decision shall not be issued by the Zoning Hearing Board for an application within the designated floodway if any increase in the flood levels during the base flood discharge would result.
5. If granted, a variance shall involve only the least modification necessary to provide relief.
6. In granting any variance, the Zoning Hearing Board shall notify the applicant in writing that.
 - a. The granting of the variance may result in increased premium rates for floor insurance.
 - b. Such variances may increase the risks to life and property.
 - c. Such notification shall be maintained with a record of all decisions as required in this section.
7. The Zoning Hearing Board shall maintain a complete record of all variance requests and decisions affecting the Floodplain Conservation District, including the written justification of the reason for the issuance of any special exception or

variance, and report such decisions in the Township's biennial report submitted to the Federal Insurance Administration and FEMA.

E. Additional Standards for Granting Variances

A property owner of a lot of record, as of the date of the enactment of this article, who is able to prove that the strict enforcement of this article would create undue hardship by denying a reasonable use of an existing lot which is situated either wholly or partially in the Floodplain Conservation District, may seek relief by applying for a variance from the Zoning Hearing Board.

1. The Zoning Hearing Board, after deciding upon the merits of the application, may permit the applicant to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this article as specified in § 230-11 herein.
2. In considering a use as a variance, the Zoning Hearing Board shall consider those standards outlined in § 230-14 herein.
3. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:
 - a. Affirmative decisions shall only be issued by the Zoning Hearing Board upon a determination that failure to grant the appeal would result in exceptional hardship to the applicant and a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety or extraordinary public expense or create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - b. Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to provide relief.

§ 230-15. Technical Provisions

A. General

In granting any variance, Montgomery Township Zoning Hearing Board shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

1. Pertaining to The Alteration or Relocation of Watercourse
 - a. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protections Regional Office.
 - b. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 - c. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

2. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:
 - a. Any development that causes a rise in the base flood elevations within the floodway; or
 - b. Any development occurring in Zones A1-30 which will cause a rise of more than one foot in the base elevation; or
 - c. Alteration or relocation of a stream (including but not limited to installing culverts and bridges.
3. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured fifty (50) feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

B. Elevation and Floodproofing Requirements

1. Residential Structures

- a. In AE and A1-30 Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
- b. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with 230-12.A.1.d of this ordinance.
- c. The design and construction standards and specifications shall address the requirements of § 230-15.C(14)

2. Non-residential Structures

- a. In AE and A1-30 Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- b. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with 230-12.A.1.d of this ordinance.

- c. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
- d. The design and construction standards and specifications shall address the requirements of § 230-15.C(14).

3. Space below the lowest floor

- a. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- b. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - the bottom of all openings shall be no higher than one (1) foot above grade.
 - openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- b. Floor area shall not exceed 100 square feet.
- c. The structure will have a low damage potential.
- d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- e. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

- f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- g. Sanitary facilities are prohibited.
- h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - the bottom of all openings shall be no higher than one (1) foot above grade.
 - openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

C. Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any Floodplain Conservation District:

1. Fill

a. If fill is used, it shall:

- extend laterally at least fifteen (15) feet beyond the building line from all points;
- consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities and Systems

- a. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

- b.** Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- c.** No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- d.** The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

4. Other Utilities

- a.** All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

5. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

6. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 230-13.B.2.b, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

7. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring

- a.** All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- b.** All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls and Ceilings

- a.** Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- b.** Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

- c. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

10. Paints and Adhesives

- a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water resistant" paint or other finishing material.

11. Electrical Components

- a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

13. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

14. Uniform Construction Code Coordination

The Standards and Specifications contained in ASCE 24 and 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

- a. International Building Code (IBC) the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- b. International Residential Building Code (IRC) the latest edition thereof: Sections R104, R105, R106, R109, R323, Appendix AE101, Appendix E and Appendix J.

§ 230-16. Administration

A. Designation of the Floodplain Administrator

The Planning and Zoning Director within the Planning and Zoning Department is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

B. Duties and Responsibilities of the Floodplain Administrator

1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
3. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board for whatever action it considers necessary.
7. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
8. The Floodplain Administrator shall consider the requirements of § 230-15.C(14).

C. Application Procedures and Requirements

1. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Montgomery. Such application shall contain the following:
 - a. Name and address of applicant.
 - b. Name and address of owner of land on which proposed construction is to occur.
 - c. Name and address of contractor.
 - d. Site location including address.
 - e. Listing of other permits or variances required.
 - f. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
2. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - a. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - b. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. structures will be anchored to prevent floatation, collapse, or lateral movement.
 - e. building materials are flood-resistant.
 - f. appropriate practices that minimize flood damage have been used.
 - g. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
 - a. A completed Permit Application Form.
 - b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - c. north arrow, scale, and date;
 - d. topographic contour lines, if available;

- e. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - f. the location of all existing streets, drives, and other access ways; and
 - g. the location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
4. Plans of all proposed buildings, structures and other improvements, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less showing the following:
- a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under § 230-15.C(14).
5. The following data and documentation:
- a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - b. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - c. detailed information needed to determine compliance with Section 230-15.C.6, Storage, and Section 230-13.B.2.b, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in 230-13.B.2.b. and 230-15.C.6 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in 230-13.B.2.b during a base flood.
 - d. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - e. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
6. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

D. Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

E. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any Floodplain Conservation District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

F. Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

G. Placards

In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Floodplain Administrator.

H. Start of Construction

Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term, 'start of construction' shall be understood as defined in Section 230-05 of this ordinance.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§ 230-17. Enforcement

A. Violation

1. A structure or other development not fully compliant with the community's flood plain management regulations is in violation of this Article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b) (5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

B. Notice

1. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall be in accordance with Article XXV of this chapter.

C. Penalties

1. Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall pay a fine in accordance with Article XXV of this chapter.
2. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Article may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

§ 230-18. (Reserved)

§ 230-19. (Reserved)

§ 230-20. (Reserved)

§ 230-21. (Reserved)

§ 230-22. (Reserved)

§ 230-23. Certificate of Compliance

No vacant land shall be occupied or used and no building hereafter erected, altered or moved on the floodplains of any creek or stream shall be occupied until a certificate of compliance shall have been issued by the Code Enforcement Officer. The Code Enforcement Officer shall request the applicant to submit a certification by a registered professional engineer or land surveyor that the finished fill and building floor elevations, floodproofing measures or other flood protection factors were accomplished in compliance with the provisions of this chapter. The Code Enforcement Officer shall, within 10 days after receipt of such certification from the applicant, issue a certificate of compliance only if the building or premises and the proposed use thereof conform with all the requirements of this article.

§ 230-24. Municipal Liability

The granting of a zoning permit or approval of a subdivision or land development plan in or near the Floodplain Conservation District shall not constitute a representation,

guaranty or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon Montgomery Township, its officials or employees. The degree of flood protection intended to be provided by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This article is not intended to imply that areas outside Floodplain Conservation District boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages.

SECTION 2. Amendments to the Township's Land Subdivision Ordinance.

The Township's Land Subdivision Ordinance shall be amended to ensure consistency with Ordinance 15-292's amendment of the Township's Zoning Ordinance, Article IV [Floodplain Conservation District] and shall read as follows:

a. §205-6 [Definitions] shall be amended with the following definitions:

BMP (BEST MANAGEMENT PRACTICE) - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural." In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

DEVELOPMENT - Any human-induced change to improved or unimproved real estate, whether public or private, including but not limited to land development, construction, installation, or expansion of a building or other structure, land division, street construction, drilling, and site alteration such as embankments, dredging, grubbing, grading, paving, parking or storage facilities, excavation, filling, stockpiling, or clearing. As used in this ordinance, development encompasses both new development and redevelopment.

GRADE - 1. (noun) A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. 2. (verb) To finish the surface of a roadbed, the top of an embankment, or the bottom of excavation.

IMPERVIOUS MATERIAL - Any materials that do not permit the natural absorption and permeation by soils of rain or other surface water, to include but not be limited to all concrete, asphalt, and similar paving products, earthen materials (brick, stone),

chemical treatment of soils or artificial ground covers as may be used in the construction of roads, walks, driveways, parking areas, patios and recreation facilities.

REGULATED EARTH DISTURBANCE ACTIVITY - Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

- b. **§205-17.A(3)** shall be amended to remove the parenthetical reference to PennDOT Section 310.
- c. **§205-17.A(4)** shall be amended to remove the parenthetical reference to PennDOT Section 310.
- d. **§205-17.A(5)(b)** shall be amended to remove the parenthetical reference to PennDOT Section 310.
- e. **§205-18.A(3)** shall be amended to remove the parenthetical reference to PennDOT Section 310.
- f. **§205-18.D** Change "Stormwater retention and detention" to "Stormwater Management."
- g. **§205-18.D(1)** Change "stormwater retention" to "stormwater management"
- h. **§205-18.D(1)(d)** shall be revised to read as follows:

The development falls under the jurisdiction of the Township Stormwater Management Ordinance (Chapter 206).
- i. **§205-18.D(2)** Change "stormwater detention facility" to "stormwater management facility."
- j. **§205-18.D(3)** Change "Detention" to "Stormwater management".
- k. **§205-18.D(3)(a)** shall be revised to read as follows:

Stormwater management facilities shall be designed to satisfy all standards and regulations described in Chapter 206, The Township Stormwater Management Ordinance.
- l. **§205-18.D(3)(b)** Remove this section in its entirety.
- m. **§205-18.D(3)(f)** shall be revised to read as follows:

Stormwater management facilities must be designed for the greater of either the total impervious cover or the maximum impervious surface ratio permitted within the respective zoning district per the Township Zoning Ordinance. In the event a zoning district does not specify an impervious cover ratio; a minimum impervious cover ratio of 40% of the gross site area shall be the basis for design of the stormwater management facilities.
- n. **§205-18.D(4)** Change all instances of "Detention basins" to "Stormwater facilities", and all instances of "basin" to "stormwater facility".
- o. **§205-18.E** Change "...§205-18.1 of the Montgomery Township Subdivision and Land Development Ordinance" to "Chapter 206, The Township

Stormwater Management Ordinance.”

p. §205-18.1 This section shall be deleted in its entirety.

q. §205-27.1 shall be revised to read as follows:

In addition to full compliance with Article IV, Erosion and Sediment Control, an applicant's erosion and sediment control measures must comply with Chapter 206, The Montgomery Township Stormwater Management Ordinance.

r. §205-41 This section shall be deleted in its entirety

SALDO, Appendix B This Appendix shall be deleted in its entirety.

SECTION 3. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 4. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 5. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

[Signatures on Next Page]

ORDAINED AND ENACTED this _____ day of _____, by the Montgomery Township Board of Supervisors.

**MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS**

JOSEPH P. WALSH, *Chairman*

[Seal]

Attested by:

LAWRENCE J. GREGAN
Township Manager/ Secretary

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Authorization to Advertise Public Hearing – Ordinance #16-298-S
Amendments to Shade Tree Ordinance and SALDO Landscaping Regulations

MEETING DATE: July 11, 2016

ITEM NUMBER: # 11.

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Bruce Shoupe
Director of Planning and Zoning

BOARD LIAISON: Joseph P. Walsh
Chairman

BACKGROUND:

Attached is a draft ordinance amending the Township Code regarding Chapter 189 – Shade Trees. This will create a new section entitled "Residential Street Tree Replacement" which will provide for: 1) a street tree species list for residential lots; 2) street tree sizing requirements for residential lots; 3) sidewalk/roadway street tree setback requirements; 4) street tree sizing requirements in association with a subdivision or land development application. This will also amend the Township's Land Subdivision Ordinance to ensure consistency with the new section 189-7.1. This draft has been developed by the Township Solicitor and staff.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

None

BUDGET IMPACT:

None

RECOMMENDATION:

The Board of Supervisors establish September 26, 2016, as the date for a Public Hearing.

MOTION/RESOLUTION:

The Resolution is attached.

MOTION _____ SECOND _____

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank B. Bartle, Esq.

Resolution #

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby set Monday, September 26, 2016, after 8:00 PM in the Township Building as the date, time and place for a Public Hearing to consider Ordinance #298-S, an ordinance amending the Shade Tree Code creating a new Section 189-7.1 entitled "Residential Street Tree Replacement" which will provide for: 1) a street tree species list for residential lots; 2) street tree sizing requirements for residential lots; 3) sidewalk/roadway street tree setback requirements; and 4) street tree sizing requirements in association with a subdivision or land development application. This will also amend the Township's Land Subdivision Ordinance to ensure consistency with the new section 189-7.1.

Be it further resolved that the Township Solicitor be authorized to advertise said public hearing date and time.

MOTION BY:

SECOND BY:

VOTE:

DATE:

xc: F. Bartle, B. Shoupe, M. Stoerrle, Minute Book, Resolution File, File

MONTGOMERY TOWNSHIP

ORDINANCE #16-298S

AN ORDINANCE AMENDING (1) SHADE TREES ORDINANCE (CHAPTER 189) TO CREATE A NEW SECTION 189-7.1 ENTITLED "RESIDENTIAL STREET TREE REPLACEMENT" PROVIDING (A) A STREET TREE SPECIES LIST FOR RESIDENTIAL LOTS; (B) STREET TREE SIZING REQUIREMENTS FOR RESIDENTIAL LOTS; (C) SIDEWALK/ROADWAY STREET TREE SETBACK REQUIREMENTS; (D) STREET TREE SIZING REQUIREMENTS IN ASSOCIATION WITH A SUBDIVISION OR LAND DEVELOPMENT APPLICATION; AND (2) THE TOWNSHIP'S LAND SUBDIVISION ORDINANCE TO ENSURE CONSISTENCY WITH THE NEW SECTION 189-7.1

ENACTED: _____

MONTGOMERY TOWNSHIP

ORDINANCE #16-298S

AN ORDINANCE AMENDING (1) SHADE TREES ORDINANCE (CHAPTER 189) TO CREATE A NEW SECTION 189-7.1 ENTITLED "RESIDENTIAL STREET TREE REPLACEMENT" PROVIDING (A) A STREET TREE SPECIES LIST FOR RESIDENTIAL LOTS; (B) STREET TREE SIZING REQUIREMENTS FOR RESIDENTIAL LOTS; (C) SIDEWALK/ROADWAY STREET TREE SETBACK REQUIREMENTS; (D) STREET TREE SIZING REQUIREMENTS IN ASSOCIATION WITH A SUBDIVISION OR LAND DEVELOPMENT APPLICATION; AND (2) THE TOWNSHIP'S LAND SUBDIVISION ORDINANCE TO ENSURE CONSISTENCY WITH THE NEW SECTION 189-7.1

IT IS HEREBY ENACTED AND ORDAINED by the Montgomery Township Board of Supervisors that the Township's Code is hereby amended as follows:

SECTION 1. Amendment to Chapter 189 Shade Trees.

The Township Code, Chapter 189 [Shade Trees] shall be amended to include a new Section 189-7.1 entitled "Residential Street Tree Replacement", which shall read as follows:

§189-7.1 Residential Street Tree Replacement.

- A. Where a street tree is required to be replaced or planted on an individual residential lot, street tree species may be selected from sections §205-56.A or §205-56.B of the Montgomery Township Subdivision and Land Development Ordinance.
- B. Street trees replaced or planted on individual residential lots shall be a minimum of 2 inches in caliper, 12 feet to 14 feet in height, and shall have a full branching structure. All main branches shall be pruned to a clearance height of 6' above the ground. Trees shall have a single, straight trunk and unpruned leader free of codominant stems within the lower half of the crown, and shall be free of disease and mechanical damage.
- C. Setbacks from sidewalks and roadways shall be in accordance with the setbacks required in §205-56.A, §205-56.B, and §205-52.A(2).
- D. Where street trees are required to be replaced or planted on an individual residential lot in conjunction with a Subdivision or Land Development

application, the sizing requirements of §205-56.A or §205-56.B shall be met.

SECTION 2. Amendments to the Township's Land Subdivision Ordinance.

The Township's Land Subdivision Ordinance shall be amended to ensure consistency with the new Section 189-7.1 [Shade Trees/Residential Street Tree Replacement]:

a. § 205-49.J This section shall be deleted in its entirety.

b. § 205-52.A(2)(b) shall be revised to read as follows:

Street trees shall be planted no closer than one foot outside the legal or ultimate street right-of-way, whichever is greater. Street trees shall be planted no closer than six feet to any public sidewalk. Where Small Street Trees are to be planted in accordance with the requirements of §205.56.B, they shall be permitted to be planted no closer than five (5) feet to any public sidewalk.

c. § 205-52.A(2)(f) shall be revised to read as follows:

Street trees are not to be planted beneath utility lines. If utility lines are present, the street tree row is to be moved to a distance not less than 15 feet nor more than 25 feet away from the line of the poles. Where this is not possible due to space limitations or other reasons, a lower-growing species shall be provided from the list of Recommended Small Street Trees in §205-56.B, but shall still be located the greatest feasible distance from the utility line.

d. Add § 205-52.A(3) shall be added and shall read as follows: "Street trees shall be a species listed in §205.56.A or §205.56.B."

e. § 205-56. This section shall be deleted in its entirety and replaced with the following:

Recommended Plant List

The following is the recommended list of trees, shrubs and ground cover for use in Montgomery Township. The Board of Supervisors may permit other planting types if they are hardy to the area, not subject to blight or disease and of the same general character and growth habit as those listed below, and are not identified by the Pennsylvania Department of Conservation and Natural Resources (DCNR) as invasive. Plants included on the DCNR "watch list" as potentially invasive, and any associated varieties, hybrids, and cultivars of invasive species will not be permitted. Plants listed below that may be added to DCNR's list of invasive plants after the adoption of this ordinance shall not be permitted.

The size requirements listed herein for shade trees, evergreen trees, ornamental

trees, deciduous shrubs, evergreen shrubs and ground cover are the minimum acceptable sizes at the time of installation. Size and grading standards for all plants shall conform to those specified by the American Nursery and Landscape Association's American Standard for Nursery Stock, ANSI Z60.1-2014 or latest edition.

A. Street Trees: minimum of 3 inches in caliper, 14 feet to 16 feet in height with a full branching structure. All main branches shall be pruned to a height of 8 feet above the ground. Street trees shall have a single, straight trunk and unpruned central leader free of codominant stems within the lower half of the crown, and shall be free of disease and mechanical damage.

1. The following street trees shall be located a minimum of 6 feet from sidewalks and roadways.

- Acer rubrum - Red Maple
- Carpinus betulus - European Hornbeam
- Cercidiphyllum japonica- Katsuratree
- Ginkgo biloba - Ginkgo (Male varieties only)
- Koelreuteria paniculata - Golden Raintree
- Liquidambar styraciflua var. 'Rotundiloba' - Seedless Sweetgum
- Metasequoia glyptostroboides - Dawn Redwood
- Nyssa sylvatica - Blackgum
- Ostrya virginiana - American Hophornbeam
- Quercus acutissima - Sawtooth Oak
- Quercus alba - White Oak
- Quercus borealis - Northern Red Oak
- Quercus coccinea - Scarlet Oak
- Quercus imbricaria - Shingle Oak
- Quercus lyrata - Overcup Oak
- Quercus montana - Chestnut Oak
- Quercus palustris - Pin Oak
- Quercus phellos - Willow Oak
- Quercus rubra - Red Oak
- Tilia cordata - Littleleaf Linden
- Tilia tomentosa - Silver Linden
- Ulmus spp. - Elm (Dutch Elm disease resistant varieties only)
- Zelkova serrata - Japanese Zelkova

2. The following street trees shall be located a minimum of 10 feet to 12 feet from sidewalks and roadways.

- Acer saccharum - Sugar Maple
- Carya glabra - Pignut Hickory
- Carya ovata - Shagbark Hickory
- Celtis occidentalis - Hackberry
- Cladrastis kentukea - Yellowwood
- Fagus grandifolia - American Beech
- Fagus sylvatica - European Beech
- Gleditsia triacanthos var. 'inermis' - Thornless Honeylocust
- Gymnocladus dioica - Kentucky Coffeetree (fruitless forms)
- Liriodendron tulipifera - Tulip Poplar

Magnolia acuminata – Cucumbertree Magnolia
Platanus x acerifolia - London Planetree

- B. Small Street Trees: the following trees are suitable for use where street trees are to be planted in the vicinity of overhead utility lines in accordance with the requirements of §205-52.A(2)(f), or where a front yard setback of 25 feet or less is required. The Board of Supervisors may permit the use of small street trees where it is determined that limiting circumstances make the use of small street trees appropriate. Small street trees shall be a minimum of 2 inches in caliper, 12 feet to 14 feet in height, and shall have a full branching structure. All main branches shall be pruned to a clearance height of 6 feet above the ground. Small street trees shall have a single, straight trunk and unpruned central leader free of codominant stems within the lower half of the crown, and shall be free of disease and mechanical damage. All street trees shall be located a minimum of five feet from sidewalks and roadways.

Acer campestre – Hedge Maple
Acer griseum – Paperbark maple
Carpinus caroliniana – American Hornbeam
Cercis canadensis – Eastern Redbud
Chionanthus virginicus – Fringetree
Cornus florida – Flowering Dogwood
Cornus kousa – Kousa Dogwood
Cornus mas – Cornelian Cherry
Cornus x 'Rutban' - Aurora Dogwood
Cotinus coggyria – "Smoke Tree"
Crataegus crusgalli var. inermis – Thornless Cockspur Hawthorn*
Crataegus phaenopyrum – Washington Hawthorn*
Crataegus viridis 'Winter King' – Winter King Hawthorn*
Malus spp. – 'Adirondack,' 'Prairifire,' or 'Professor Sprenger'*
Oxydendrum arboreum - Sourwood
Prunus spp. – 'Autumnalis,' 'Kwanzan,' 'Okame,' or 'Yoshino'*
Syringa reticulata 'Ivory Silk' or 'Summer Snow'
Styrax japonicas – Japanese Snowbell
Tilia cordata 'Halka'

*Other disease-resistant varieties permitted where the average landscape size does not exceed 35 feet in height.

- C. Shade trees: minimum of 3 inches in caliper, 14 feet to 16 feet in height with a full branching structure. All main branches shall be pruned to a height of 7 feet above the ground. Trees shall have a single, straight trunk and unpruned central leader free of codominant stems within the lower half of the crown, and shall be free of disease and mechanical damage. All trees shall be located a minimum of 6 feet from sidewalks and roadways.

Acer rubrum - Red Maple
Acer saccharinum – Silver Maple
Acer saccharum - Sugar Maple
Carya glabra – Pignut Hickory
Carya ovata – Shagbark Hickory
Celtis occidentalis - Hackberry

Cercidiphyllum japonica - Katsuratree
Cladrastis kentukea - Yellowwood
Fagus grandifolia - American Beech
Fagus sylvatica - European Beech
Ginkgo biloba - Ginkgo (Male varieties only)
Gleditsia triacanthos var. 'inermis' - Thornless Honeylocust
Gymnocladus dioica - Kentucky Coffeetree (fruitless forms)
Koelreuteria paniculata - Golden Raintree
Liquidambar styraciflua - Sweetgum, including var. 'Rotundiloba'
Liriodendron tulipifera - Tulip Poplar
 Metasequoia glyptostroboides - Dawn Redwood
Nyssa sylvatica - Blackgum
Ostrya virginiana - American Hophornbeam
Platanus x acerifolia - London Planetree
Quercus acutissima - Sawtooth Oak
Quercus alba - White Oak
Quercus bicolor - Swamp White Oak
Quercus borealis - Northern Red Oak
Quercus coccinea - Scarlet Oak
Quercus falcata - Southern Red Oak
Quercus imbricaria - Shingle Oak
Quercus lyrata - Overcup Oak
Quercus macrocarpa - Burr Oak
Quercus montana - Chestnut Oak
Quercus muehlenbergii - Chinkapin Oak
Quercus palustris - Pin Oak
Quercus phellos - Willow Oak
Quercus rubra - Red Oak
Quercus shumardii - Shumard Oak
Taxodium distichum - Bald Cypress
Tilia americana - American Basswood
Tilia cordata - Littleleaf Linden
Tilia tomentosa - Silver Linden
Zelkova serrata - Japanese Zelkova

- D. Evergreen trees: minimum 8 feet to 10 feet height, single leader with no codominant stems, symmetrically branching to the ground, and free of disease and mechanical damage.

Abies concolor - White Fir

Chamaecyparis thyoides - Atlantic White-Cedar
Ilex opaca - American Holly
Juniperus virginiana - Eastern Redcedar
Picea abies - Norway Spruce
Picea glauca - White Spruce
Picea mariana - Black Spruce
Picea pungens - Colorado Spruce
Pinus banksiana - Jack Pine
Pinus echinata - Shortleaf Pine
Pinus resinosa - Red Pine
Pinus rigida - Pitch Pine

Pinus strobus – White Pine
Pinus taeda – Loblolly Pine
Pinus thunbergii – Japanese Black Pine
Pinus virginiana – Virginia Scrub Pine
Pseudotsuga menziesii – Douglas Fir
Thuja occidentalis – Eastern Arborvitae
Tsuga canadensis – Eastern Hemlock

- E. Ornamental/flowering trees: minimum 1 ¼ inches caliper, 8 feet to 10 feet height and full branching structure. Trees shall have a single, straight trunk and unpruned central leader free of codominant stems within the lower half of the crown, and shall be free of disease and mechanical damage. Clump, shrub and multi-stem forms shall be permitted at a minimum height of 8 feet to 10 feet and a minimum root ball diameter of 28 inches to 32 inches.

Acer campestre – Hedge Maple
Acer griseum – Paperbark maple
Acer pennsylvanicum – Striped Maple
Amelanchier arborea – Downy Serviceberry
Amelanchier canadensis – Serviceberry
Amelanchier laevis – Allegheny Serviceberry
Asimina triloba – Common Pawpaw
Betula lenta – Sweet Birch
Betula nigra – River Birch
Betula papyrifera – Paper Birch
Betula populifolia – Gray Birch
Carpinus caroliniana – American Hornbeam
Cercis canadensis – Eastern Redbud
Chionanthus virginicus – Fringetree
Cornus florida – Flowering Dogwood
Cornus kousa – Kousa Dogwood
Cornus mas – Cornelian Cherry
Cornus x 'Rutban' - Aurora Dogwood
Cotinus coggyria – “Smoke Tree”
Crataegus crusgalli var. *inermis* – Thornless Cockspur Hawthorn*
Crataegus phaenopyrum – Washington Hawthorne*
Crataegus viridis ‘Winter King’ – Winter King Hawthorn*
Diospyros virginiana – Common Persimmon
Halesia carolina – Carolina Silverbell
Larix laricina – American Larch
Magnolia tripetala – Umbrella Magnolia
Magnolia virginiana - Sweetbay Magnolia
Magnolia x soulangeana – Saucer Magnolia
Malus spp. – ‘Adirondack,’ ‘Prairifire,’ or ‘Professor Sprenger’*
Oxydendrum arboreum - Sourwood
Prunus spp. – ‘Autumnalis,’ ‘Kwanzan,’ ‘Okame,’ or ‘Yoshino’*
Ptelea trifoliata – Wafer-Ash
Sassafras albidum – Common Sassafras
Styrax japonica – Japanese Snowbell
Syringa reticulata – ‘Ivory Silk’ or ‘Summer Snow’
Tilia cordata ‘Halka’

Taxodium distichum – Baldcypress

*Other disease-resistant varieties permitted.

- F. Deciduous shrubs: minimum acceptable container classes #5, #7, #10, with a 30 inch minimum height, symmetrically branched to the ground, and free of disease and mechanical damage.

Aesculus parviflora – Bottlebrush Buckeye
Alnus rugosa – Speckled Alder
Alnus serrulata – Smooth Alder
Aronia arbutifolia – Red Chokecherry
Aronia melanocarpa – Black Chokecherry
Callicarpa americana – American Beautyberry
Calycanthus florida – Sweetshrub
Castanea pumila – allgheny chinquapin
Ceanothus americanus – New Jersey Tea
Cephalanthus occidentalis – Buttonbush
Clethra alnifolia – Summersweet Clethra
Comptonia peregrina – Sweetfern
Cornus amomum – Silky Dogwood
Cornus racemosa – Gray Dogwood
Cornus sericea – Redosier Dogwood
Corylus americana – American Filbert
Cotinus obovatus – American smoke tree
Euonymus americanus – Strawberrybush
Fothergilla gardenii – Dwarf Fothergilla
Fothergilla major – Large Fothergilla
Hamamelis vernalis – Spring Witch Hazel
Hamamelis virginiana – Common Witch Hazel
Hydrangea arborescens – Smoothleaf Hydrangea
Hydrangea quercifolia – Oakleaf Hydrangea
Hypericum prolificum – Shrubby St. John's Wort
Ilex verticillata - Winterberry Holly
Itea virginica – Virginia Sweetspire
Leucothoe racemosa – Sweetbells Leucothoe
Lindera benzoin – Spicebush
Myrica pennsylvanica – Northern Bayberry
Physocarpus opulifolius – Eastern Ninebark
Rhododendron spp. – Native Deciduous Azalea and *Rhododendron* Varieties
Rhus glabra – Smooth Sumac
Rosa carolina – Carolina Rose
Rosa palustris – Swamp Rose
Rosa virginiana – Virginia Rose
Salix discolor – Pussy Willow
Sambucus canadensis – Elderberry
Spiraea japonica 'Anthony Waterer' – Anthony Waterer Spiraea
Spiraea x vanhouttei – Vanhoutte Spiraea
Styrax americanus – American Snowbell
Symphoricarpos albus – Snowberry

Symphoricarpos orbiculatus - Coralberry
Viburnum acerifolium – Mapleleaf Viburnum
Viburnum carlesii – Koreanspice Viburnum
Viburnum cassinoides – Witherod Viburnum
Viburnum dentatum – Arrowwood Viburnum
Viburnum lentago – Nannyberry Viburnum
Viburnum prunifolium – Blackhaw Viburnum
Viburnum trilobum – American Cranberrybush Viburnum

- G. Evergreen shrubs: minimum acceptable container classes #5, #7, #10, with a 24" minimum height and 18" minimum spread, symmetrically branched to the ground, and free of disease and mechanical damage. Spreading evergreen shrub forms shall be permitted at a minimum 24" spread and in minimum acceptable container classes #5, #7, and #10.

Ilex glabra – Inkberry Holly
Juniperus communis – Common Juniper
Kalmia latifolia – Mountain Laurel
Leucothoe fontanesiana – Drooping Leucothoe
Pieris floribunda – Mountain Andromeda
Rhododendron spp. – Native Evergreen Azalea and Rhododendron Varieties
Taxus canadensis – Canadian Yew

H. Ground cover plants:

- (1) Heavily rooted herbaceous plants provided in minimum four-inch pots and spaced at a maximum of 12 inches on center, and free of disease and mechanical damage.

Asarum canadense – Wild Ginger
Hemerocallis hybrids – Daylilies
Liriope muscari – Liriope
Liriope spicata – Lily turf
Pachysandra procumbens – Alleghany Pachysandra

- (2) Woody ground cover plants to be provided in minimum 2 gallon containers with a minimum 15 inches spread. Plants shall be spaced at a maximum of 36 inches on center, and shall be free of disease and mechanical damage.

Juniperus horizontalis – Creeping Juniper
Rhus aromatica 'Gro Low'
Xanthorhiza simplicissima – Yellowroot

- (3) Basin floor coverings:

Grass: PennDOT Formula "L" modified seed or other naturalized mix
Naturalized Seed Mix
Wildflower Sod

SECTION 3. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 4. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 5. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, by the Montgomery Township Board of Supervisors.

**MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS**

JOSEPH P. WALSH, *Chairman*

[Seal]

Attested by:

LAWRENCE J. GREGAN
Township Manager/ Secretary

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS
BOARD ACTION SUMMARY

SUBJECT: Consider Payment of Bills

MEETING DATE: July 11, 2016

ITEM NUMBER: #12

MEETING/AGENDA: WORK SESSION

ACTION - XX NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gregan
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman
of the Board of Supervisors

BACKGROUND:

Please find attached a list of bills for your review.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Approval all bills as presented.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 01 UNIVEST CHECKING					
06/28/2016	01	65000	100000125	CHICK FIL A MONTGOMERYVILLE	402.40
06/28/2016	01	65001	00000697	LEHIGH VALLEY ZOO	1,032.00
06/29/2016	01	65002	00000169	FEDEX	74.06
06/30/2016	01	65003	00001669	FIRST HOSPITAL LABORATORIES, INC.	1,116.80
06/30/2016	01	65004	00001669	FIRST HOSPITAL LABORATORIES, INC.	67.50
06/30/2016	01	65005	00000952	GILBARCO INC.	525.00
06/30/2016	01	65006	00000306	MICHAEL JENKINS	2,006.50
06/30/2016	01	65007	00001847	STAPLES CONTRACT & COMMERCIAL, INC.	28.50
07/06/2016	01	65008	100000131	SANTANDER BANK, N.A.	53,179.16
07/08/2016	01	65009	00000496	21ST CENTURY MEDIA NEWSPAPERS LLC	1,419.74
07/08/2016	01	65010	00905040	3M COGENT INC.	309.00
07/08/2016	01	65011	100000107	4IMPRINT, INC.	557.40
07/08/2016	01	65012	00000006	ACME UNIFORMS FOR INDUSTRY	677.74
07/08/2016	01	65013	100000145	ADAM JONES	65.00
07/08/2016	01	65014	100000148	ALLISON KEENE	50.00
07/08/2016	01	65015	00000027	ARMOUR & SONS ELECTRIC, INC.	1,951.12
07/08/2016	01	65016	00000031	AT&T	138.44
07/08/2016	01	65017	00002061	AT&T MOBILITY	876.47
07/08/2016	01	65018	00000561	ATLANTIC TACTICAL	6,421.50
07/08/2016	01	65019	00001997	AUTOMATIC SYNC TECHNOLOGIES, LLC	332.64
07/08/2016	01	65020	100000140	BEN DUDASH	65.00
07/08/2016	01	65021	00000043	BERGEY'S	37.06
07/08/2016	01	65022	100000109	BIG HOUSE PHILLY LLC	2,000.00
07/08/2016	01	65023	00000209	BOUCHER & JAMES, INC.	266.75
07/08/2016	01	65024	100000128	BOW WOW WASTE	988.00
07/08/2016	01	65025	100000137	BRIAN BOROSKY	65.00
07/08/2016	01	65026	100000142	BRIAN GEORGE	65.00
07/08/2016	01	65027	00000072	CANON FINANCIAL SERVICES, INC	1,569.00
07/08/2016	01	65028	00000071	CANON SOLUTIONS AMERICA, INC.	1,184.50
07/08/2016	01	65029	00001601	CDW GOVERNMENT, INC.	172.78
07/08/2016	01	65030	00000181	CHEMSEARCH	947.80
07/08/2016	01	65031	100000150	CHIRAG PADALIA	65.00
07/08/2016	01	65032	100000144	COLIN GOTZON	65.00
07/08/2016	01	65033	00000363	COMCAST	303.60
07/08/2016	01	65034	00001937	CONCOURS AUTOMOTIVE	1,199.75
07/08/2016	01	65035	00000329	CRAFCO, INC.	200.00
07/08/2016	01	65036	MISC	DARIN FRYE HOME IMPROVEMENTS	1,200.00
07/08/2016	01	65037	100000146	DAVID JONES	65.00
07/08/2016	01	65038	00000629	DAVIDHEISER'S INC.	296.00
07/08/2016	01	65039	00000118	DEL-VAL INTERNATIONAL TRUCKS, INC.	508.60
07/08/2016	01	65040	00001172	DETLAN EQUIPMENT, INC.	329.49
07/08/2016	01	65041	100000124	DINA GUERTIN	836.40
07/08/2016	01	65042	00002086	DOYLESTOWN ANIMAL MEDICAL CLINIC	206.94
07/08/2016	01	65043	00000152	ECKERT SEAMANS CHERIN &	23,200.50
07/08/2016	01	65044	00000161	EUREKA STONE QUARRY, INC.	143.50
07/08/2016	01	65045	00001504	GALETON GLOVES	68.28
07/08/2016	01	65046	00000188	GALLS, AN ARAMARK CO., LLC	793.02
07/08/2016	01	65047	00000042	GEORGE ELY ASSOCIATES INC.	141.85
07/08/2016	01	65048	100000108	GINA DERKACS	991.00
07/08/2016	01	65049	00001323	GLICK FIRE EQUIPMENT COMPANY INC	4,190.32
07/08/2016	01	65050	00001784	GOOGLE INC.	99.00
07/08/2016	01	65051	00000608	GOOSE SQUAD L.L.C.	900.00
07/08/2016	01	65052	00000229	GRAINGER	36.92
07/08/2016	01	65053	00902050	HARISH CHHUGANI	314.00
07/08/2016	01	65054	00000114	HARLEYSVILLE MATERIALS, LLC	345.68
07/08/2016	01	65055	100000132	HARRY T. ALLEN	100.00
07/08/2016	01	65056	MISC	HARTMAN CHRISTOPHER J & JOANNE	1,200.00
07/08/2016	01	65057	00000215	HAVIS, INC.	134.40
07/08/2016	01	65058	00906083	HEAD START SPORTS, INC	420.00
07/08/2016	01	65059	100000130	HITESH GOVANI	259.00
07/08/2016	01	65060	00000903	HOME DEPOT CREDIT SERVICES	236.00
07/08/2016	01	65061	100000155	JAKE HUGHES	50.00
07/08/2016	01	65062	100000149	JAKE LUDWICK	65.00
07/08/2016	01	65063	100000151	JARED REED	50.00
07/08/2016	01	65064	00000735	JD BRAVO COMPANY	1,252.00
07/08/2016	01	65065	100000156	JILL CLARK	30.00
07/08/2016	01	65066	00902813	JOEDY JOHNSON	220.00
07/08/2016	01	65067	00000983	JOHN J. IATAROLA	700.00
07/08/2016	01	65068	00001811	JOHN R. CARTER LANDSCAPING, INC.	275.00
07/08/2016	01	65069	100000096	JONATHAN LAWRENCE	65.00
07/08/2016	01	65070	00000148	JONATHAN S. BEER	575.00
07/08/2016	01	65071	100000136	JOSEPH BLOCKER	65.00
07/08/2016	01	65072	03214661	JULIE SCHOETTLE	570.50
07/08/2016	01	65073	100000135	JUSTIN BERRY	65.00
07/08/2016	01	65074	00000740	K.J. DOOR SERVICES INC.	141.00
07/08/2016	01	65075	100000042	KELSEY KRAHE	743.00
07/08/2016	01	65076	00000107	KENNEDY CULVERT & SUPPLY CO., INC.	193.20
07/08/2016	01	65077	00000261	KERSHAW & FRITZ TIRE SERVICE, INC.	3,133.12

07/08/2016 01:37 PM
 User: msanders
 DB: Montgomery Twp

CHECK REGISTER FOR MONTGOMERY TOWNSHIP
 CHECK DATE FROM 06/28/2016 - 07/11/2016

Page: 2/2

Check Date	Bank	Check	Vendor	Vendor Name	Amount
07/08/2016	01	65078	100000147	KEVIN KALARIA	65.00
07/08/2016	01	65079	00902911	KIM P. GREENE	50.00
07/08/2016	01	65080	MISC	KOSLOSKY, JEFFREY M. & ELIZABETH	1,200.00
07/08/2016	01	65081	100000122	KRISTIN BERNER	123.00
07/08/2016	01	65082	00000201	LAWRENCE J. MURPHY	1,423.60
07/08/2016	01	65083	100000127	LINDA CARLSON	279.00
07/08/2016	01	65084	00001706	LOWE'S COMPANIES INC.	68.80
07/08/2016	01	65085	MISC	M & M DOOLEY, INC.	44.37
07/08/2016	01	65086	00000870	MAACO AUTO PAINTING & COLLISION	928.72
07/08/2016	01	65087	00000675	MAGLOCLEN	400.00
07/08/2016	01	65088	100000094	MATT JOHNSON	65.00
07/08/2016	01	65089	100000139	MICHAEL DALLY	65.00
07/08/2016	01	65090	100000143	MIKE GEORGE	65.00
07/08/2016	01	65091	00002065	MONTGOMERY COUNTY	3,125.00
07/08/2016	01	65092	00001225	MONTGOMERY TOWNSHIP MUNICIPAL	788.50
07/08/2016	01	65093	00000540	MYSTIC PIZZA	302.00
07/08/2016	01	65094	00905070	NORTH WALES LIBRARY	1,500.00
07/08/2016	01	65095	00000356	NORTH WALES WATER AUTHORITY	1,251.95
07/08/2016	01	65096	00000270	NYCE CRETE AND LANDIS CONCRETE	288.34
07/08/2016	01	65097	00001134	OFFICE DEPOT, INC	418.65
07/08/2016	01	65098	100000154	PATRICK IANNETTI	1,200.00
07/08/2016	01	65099	00000595	PENN VALLEY CHEMICAL COMPANY	1,522.43
07/08/2016	01	65100	00001677	PENNSYLVANIA DISTRICT ATTORNEYS	25.00
07/08/2016	01	65101	00001358	PENNSYLVANIA RECREATION AND PARK	8,547.00
07/08/2016	01	65102	00000447	PETTY CASH - POLICE	136.12
07/08/2016	01	65103	00000446	PHISCON ENTERPRISES, INC.	100.00
07/08/2016	01	65104	00000945	PIPERSVILLE GARDEN CENTER, INC.	405.72
07/08/2016	01	65105	00001155	PITNEY BOWES	708.81
07/08/2016	01	65106	MISC	REALTECHS, LLC	120.56
07/08/2016	01	65107	00000228	REGAL CINEMEDIA CORP	1,283.00
07/08/2016	01	65108	00002033	REPUBLIC SERVICES NO. 320	15,581.06
07/08/2016	01	65109	00000117	RIGGINS INC	3,334.84
07/08/2016	01	65110	00000115	RIGGINS, INC	2,229.10
07/08/2016	01	65111	00001812	ROBERT J. JOHNSON JR.	177.53
07/08/2016	01	65112	100000133	SAMPATH BHOOPATHY	149.00
07/08/2016	01	65113	100000152	SANDRA TWINAME	60.00
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07/08/2016	01	65115	00001618	SEALMASTER	751.96
07/08/2016	01	65116	00001939	SERVICE TIRE TRUCK CENTERS	680.98
07/08/2016	01	65117	00000465	SHAPIRO FIRE PROTECTION COMPANY	18.30
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07/08/2016	01	65120	00001847	STAPLES CONTRACT & COMMERCIAL, INC.	355.94
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07/08/2016	01	65123	00661122	TEES WITH A PURPOSE	1,639.00
07/08/2016	01	65124	00000502	THOMAS W. MCCAULEY	270.00
07/08/2016	01	65125	00001771	TIMAC AGRO USA	360.00
07/08/2016	01	65126	100000141	TODD GALCZYK	65.00
07/08/2016	01	65127	00000239	TOWN COMMUNICATIONS	87.50
07/08/2016	01	65128	00000720	TRAIL ELECTRICAL SERVICE, INC.	464.27
07/08/2016	01	65129	00000506	TRANS UNION LLC	50.00
07/08/2016	01	65130	00001998	TROPIANO BUS COMPANY LLC	245.00
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07/08/2016	01	65132	00001998	TROPIANO BUS COMPANY LLC	490.00
07/08/2016	01	65133	00001998	TROPIANO BUS COMPANY LLC	245.00
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07/08/2016	01	65137	00001998	TROPIANO BUS COMPANY LLC	490.00
07/08/2016	01	65138	00001998	TROPIANO BUS COMPANY LLC	245.00
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07/08/2016	01	65140	00001998	TROPIANO BUS COMPANY LLC	870.00
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07/08/2016	01	65145	00000040	VERIZON	243.84
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07/08/2016	01	65147	00000038	VERIZON WIRELESS SERVICES, LLC	827.78
07/08/2016	01	65148	00001329	WELDON AUTO PARTS	297.77
07/08/2016	01	65149	100000138	WILLIAM COYNE	65.00
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07/08/2016	01	65151	00000590	YOCUM FORD	174.72
07/08/2016	01	65152	00000550	ZEP MANUFACTURING COMPANY	430.22

01 TOTALS:

Total of 153 Disbursements:

192,467.39

07/07/2016

Payroll ACH List
For Check Dates 06/28/2016 to 07/11/2016

Check

Date	Name	Amount
06/30/2016	UNITED STATES TREASURY	941 Tax Payment \$ 85,896.20
06/30/2016	PBA	PBA Payment \$ 789.41
06/30/2016	BCG 401	401 Payment \$ 14,109.16
06/30/2016	BCG 457	457 Payment \$ 10,813.07
06/30/2016	PA SCDU	Withholding Payment \$ 1,423.23
07/01/2016	ICMA	DROP Plan Payment \$ 17,827.41
07/01/2016	UNITED STATES TREASURY	945 Tax Payment \$ 4,830.96
07/06/2016	STATE OF PA	State Tax Payment \$ 9,058.95
Total Checks: 8		\$ 144,748.39