

PARTICIPANTS

WAYNE TOWNSHIP ZONING ORDINANCE

TOWNSHIP SUPERVISORS

**Kenneth E. Bower
David W. Calhoun
James B. Maguire**

TOWNSHIP PLANNING COMMISSION

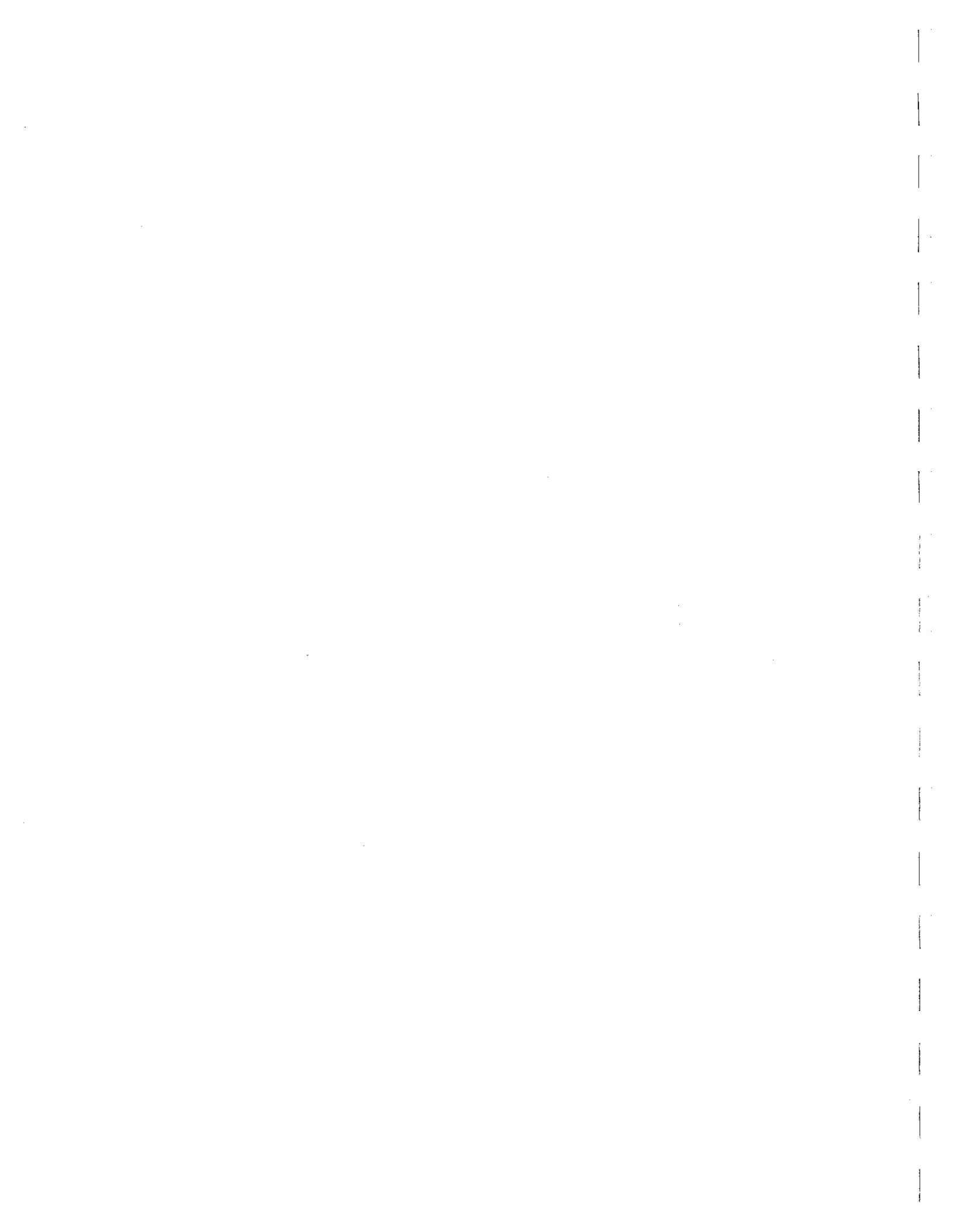
**Craig P. Eddy, Chairman
Miles Houseknecht, Vice-Chairman
Darlene S. Macklem, Secretary
Terry J. Condo
Rodney C. Shemory
Anthony Fasano
Albert Judd
Susan Johnson**

TOWNSHIP SECRETARY

Darlene S. Macklem

PLANNING CONSULTANT

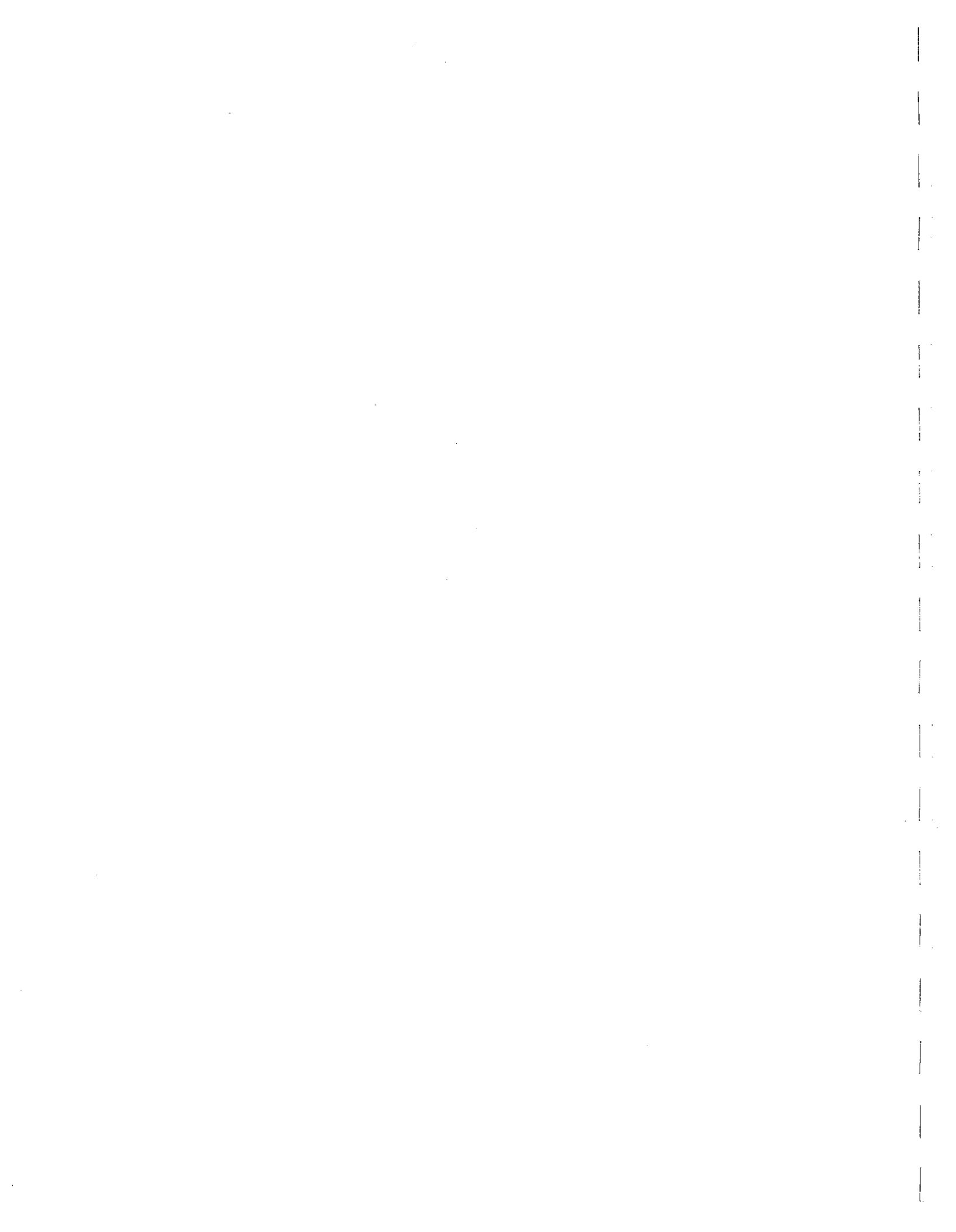
**LANDPLAN, INC.
1124 Locust Street, Montoursville, PA 17754
Kathie L. Hunter, Principal**



WAYNE TOWNSHIP ZONING ORDINANCE

Table of Contents

| | <u>Page</u> |
|--|-------------|
| Article 1. <u>TITLE, AUTHORITY, AND PURPOSE</u> | |
| 100 Short Title | 1. |
| 101 Authority | 1. |
| 102 General Purposes | 1. |
| 103 Community Development Objectives | 2. |
| 104 Disclaimer of Municipal Liability | 3. |
| | |
| Article 2. <u>DESIGNATION OF ZONING DISTRICTS</u> | |
| 200 Designation of Districts | 4. |
| 201 District Purpose Statements | 4. |
| 202 Zoning Map | 6. |
| 203 Interpretation of Zoning District Boundaries | 7. |
| 204 Floodplain District Boundary Changes | 7. |
| | |
| Article 3. <u>DISTRICT REGULATIONS</u> | |
| 300 Application of District Regulations | 9. |
| 301 Use Regulations and Dimensional Requirements | 9. |
| 302 R-1 Low Density Residential District | 10. |
| 303 R-2 Moderate Density Residential District | 12. |
| 304 MU Mixed Use District | 14. |
| 305 VC Village Center District | 16. |
| 306 HI Highway Interchange District | 18. |
| 307 LI Light Industrial District | 20. |
| 308 A Agricultural District | 22. |
| 309 O/R Open Space/Recreation District | 24. |
| 310 FF & FP Flood Fringe & General Floodplain District (Overlying District) | 26. |
| 311 FW Floodway District (Overlying District) | 28. |



Article 4. SUPPLEMENTARY USE REGULATIONS

| | | |
|-----|--|-----|
| 400 | Purpose and Applicability | 30. |
| 401 | Uses Not Provided For | 30. |
| 402 | Dwelling Units | 30. |
| 403 | Mobile Homes on Individual Lots | 31. |
| 404 | Conversion Apartments | 32. |
| 405 | Multi-Family Dwelling Structures | 33. |
| 406 | Planned Residential Developments | 36. |
| 407 | Group Homes | 38. |
| 408 | Day Care Centers | 39. |
| 409 | Bed and Breakfast Establishments | 40. |
| 410 | Retail Establishments | 41. |
| 411 | Automotive Service Stations and/or Repair Shops .. | 42. |
| 412 | Car Washes | 44. |
| 413 | Mini-Storage Warehouses | 44. |
| 414 | Animal Hospitals or Veterinary Clinics | 45. |
| 415 | Adult Entertainment Establishments | 45. |
| 416 | Shopping Centers | 46. |
| 417 | Recycling Drop-Off Centers | 47. |
| 418 | Industrial or Manufacturing Uses | 47. |
| 419 | Truck Terminals | 49. |
| 420 | Mining or Extractive Operations | 49. |
| 421 | Agricultural Uses | 50. |
| 422 | Cottage Developments | 52. |
| 423 | Campgrounds or Recreational Vehicle Parks | 53. |
| 424 | Communications Antennae, Towers, and/or Equipment Buildings | 56. |
| 425 | Home Occupations | 59. |
| 426 | Farm-Related Businesses | 60. |
| 427 | Unenclosed Storage | 61. |

Article 5. SUPPLEMENTARY LOT REGULATIONS

| | | |
|-----|--------------------------------|-----|
| 500 | Purpose | 63. |
| 501 | General Lot Requirements | 63. |
| 502 | Yard Requirements | 64. |
| 503 | Height Regulations | 65. |
| 504 | Miscellaneous Provisions | 65. |
| 505 | Buffer Yards | 67. |
| 506 | Screening | 68. |



Article 6. SUPPLEMENTARY FLOODPLAIN MANAGEMENT REGULATIONS

| | | |
|-----|---|-----|
| 600 | General Provisions | 70. |
| 601 | Basis for Floodplain Districts | 71. |
| 602 | Flood Damage Control Provisions | 72. |
| 603 | Water Management Uses | 77. |
| 604 | Existing Structures in Floodplain Areas | 77. |
| 605 | Special Provisions for Accessory Structures | 77. |
| 606 | Development Which May Endanger Human Life | 78. |
| 607 | Activities Requiring Special Permits | 80. |
| 608 | Administration | 85. |
| 609 | Variances in Floodplain Districts | 87. |
| 610 | Special Exceptions in Floodplain Districts | 89. |

Article 7. SIGN REGULATIONS

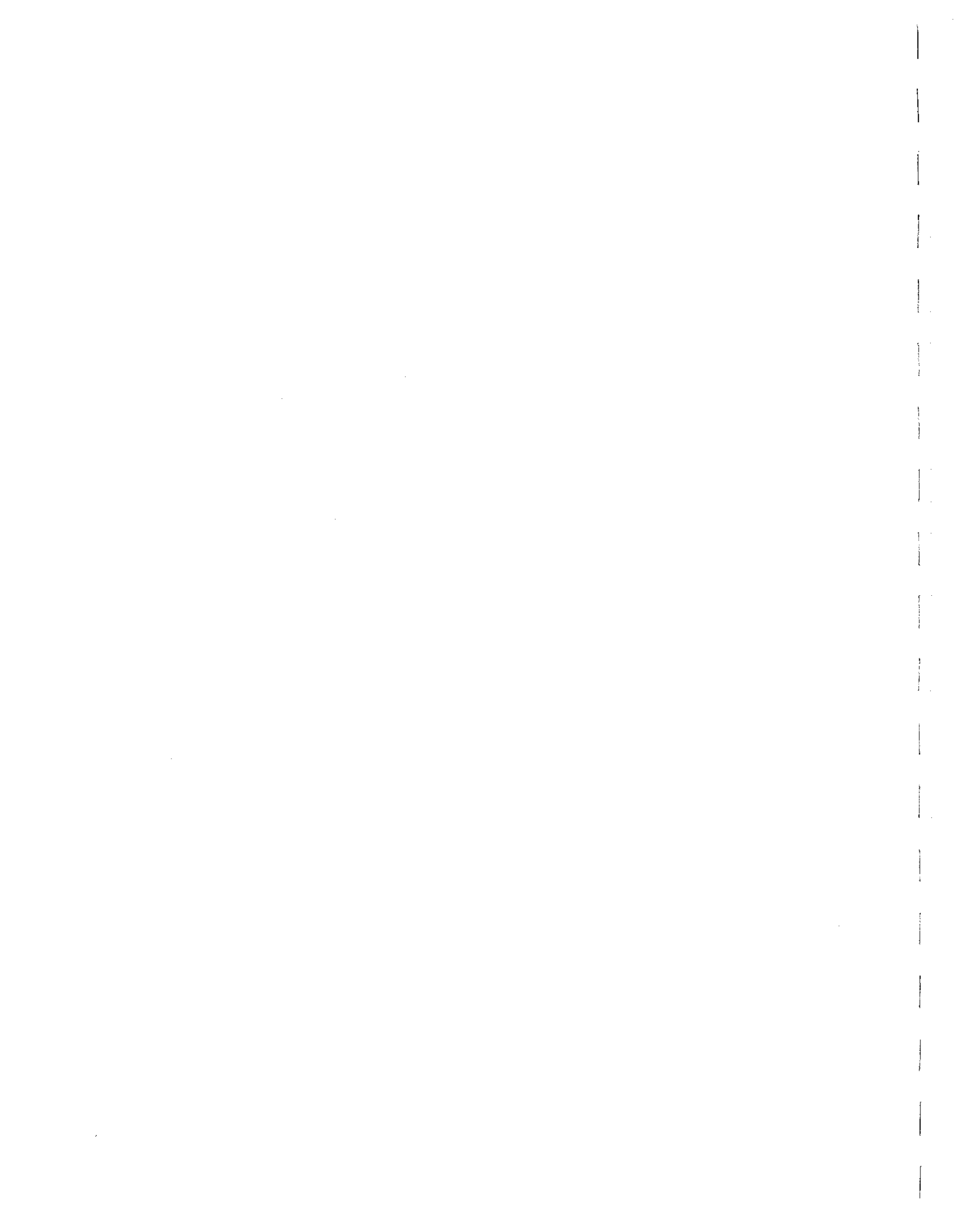
| | | |
|-----|--------------------------------------|------|
| 700 | Purpose | 90. |
| 701 | Types of Signs | 90. |
| 702 | General Regulations | 91. |
| 703 | Signs in R-1 and R-2 Districts | 92. |
| 704 | Signs in MU and VC Districts | 94. |
| 705 | Signs in HI and LI Districts | 95. |
| 706 | Signs in A and O/R Districts | 98. |
| 707 | Signs in FF and FP Districts | 99. |
| 708 | Signs in FW Districts | 99. |
| | TABLE 1 - Sign Regulations | 100. |

Article 8. OFF-STREET PARKING, LOADING AND ACCESS DRIVES

| | | |
|-----|---|------|
| 800 | Off-Street Parking Requirements | 102. |
| | TABLE 2 - Off-Street Parking Schedule | 104. |
| 801 | Off-Street Loading Requirements | 107. |
| 802 | Driveways and Access Drive Requirements | 107. |

Article 9. NONCONFORMITIES

| | | |
|-----|---|------|
| 900 | Nonconforming Uses and Structures | 109. |
| 901 | Nonconforming Lots | 112. |



Article 10. RESPONSIBILITIES OF THE ZONING HEARING BOARD

| | | |
|------|----------------------------------|------|
| 1000 | Organization and Procedure | 114. |
| 1001 | Powers and Duties | 115. |
| 1002 | Hearing Procedures | 118. |

Article 11. RESPONSIBILITIES OF THE TOWNSHIP SUPERVISORS

| | | |
|------|---|------|
| 1100 | Amendments to Zoning Ordinance or Map | 123. |
| 1101 | Conditional Uses | 124. |

Article 12. ADMINISTRATION AND ENFORCEMENT

| | | |
|------|--|------|
| 1200 | Duties of the Zoning Officer | 129. |
| 1201 | General Procedure For Land Use Permit Application | 130. |
| 1202 | Land Use Permits | 130. |
| 1203 | Certificates of Occupancy | 134. |
| 1204 | Violations and Enforcement | 134. |
| 1205 | Fees | 136. |

Article 13. DEFINITIONS

| | | |
|------|-----------------------|------|
| 1300 | Interpretations | 137. |
| 1301 | Definitions | 137. |

Article 14. MISCELLANEOUS PROVISIONS AND ENACTMENT

| | | |
|------|--|------|
| 1400 | Interpretation, Purpose and Conflict | 167. |
| 1401 | Repealer | 167. |
| 1402 | Severability and Validity | 167. |
| 1403 | Enactment and Effective Date | 168. |



APPENDICES

| | <u>Page</u> |
|---|-------------|
| Appendix A. Variance Procedure | 170. |
| Appendix B. Special Exception Procedure | 171. |
| Appendix C. Ordinance Amendment Procedure | 172. |
| Appendix D. Conditional Use Procedure | 173. |
| Appendix E. Table of Uses | 174. |
| Appendix F. Table of Area and Bulk Requirements | 177. |



ARTICLE 1

TITLE, AUTHORITY, AND PURPOSE

100 SHORT TITLE

This Ordinance shall be known and be cited as the "Wayne Township Zoning Ordinance of 2002" and is intended to serve as a comprehensive amendment to the Wayne Township Zoning Ordinance enacted and ordained by the Wayne Township Supervisors on November 24, 1992.

101 AUTHORITY

Section 601 of the PA Municipalities Planning Code (P.L. 1329, Act 170, as reenacted December 21, 1988, and as subsequently amended) provides that the Supervisors of Wayne Township may implement comprehensive plans or accomplish any of the purposes of the Planning Code by enacting a zoning ordinance.

The Supervisors of Wayne Township, Clinton County, PA, under the authority cited above, do hereby ordain that this Zoning Ordinance was enacted in order to promote and protect the health, safety, morals, and general welfare of the residents of the Township.

102 GENERAL PURPOSES

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the Township, with consideration being given to the character of the area, the municipality's various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

A. promote, protect and facilitate:

- * the public health, safety, morals, and the general welfare;
- * coordinated and practical community development and proper density of population;
- * emergency management preparedness and operations, airports and national defense facilities;
- * the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as
- * preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains;

- B. prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers;
- C. preserve prime agriculture and farmland considering topography, soil type and classification, and present use;
- D. provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing;
- E. accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and
- F. facilitate appropriate development of the Township, protect the tax base, and encourage economy in public expenditures.

103 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance provides a legal basis and framework for future development in Wayne Township. Its provisions were guided by the policy recommendations set forth in the Wayne Township Comprehensive Plan, adopted November 24, 1992, and updated in November 1999. The following list of goals represents the Township's legislative findings with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources, and other factors which the Board believes relevant in guiding the future development of the municipality. The goals, as revised, are:

- A. The peaceful, rural environment and exceptional quality of life in Wayne Township should be preserved for future generations. Modest levels of residential growth should be promoted to help sustain a strong municipal tax base and increase services for Township residents.
- B. Development types and densities should be guided and directed to the most appropriate and best-suited locations. Land use policies and regulations should consider the physical capabilities and limitations of the Township's land and its environment.
- C. Strip development along Township roads should be discouraged where such development could limit future access to interior lots or property.
- D. Suitable, safe residential environments should be maintained and a variety of housing types and styles should be available for Township residents of all ages, family size, and income levels.
- E. Land use policies and regulations should ensure that developers thoroughly plan and adequately provide for their proposed developments without causing

undue economic burdens for current municipal residents and property owners.

- F. Existing municipal recreational facilities and public areas should be adequately maintained in order to assure their continued use. The creation of additional recreational facilities, including facilities for preschoolers and young children, could be considered where determined appropriate by Township officials.
- G. Land use regulations should include reasonable controls for signage to avoid the proliferation of both on- and off-premises signs in rural areas of the Township.
- H. Land use regulations should include provisions to thoroughly control the unsightly accumulation of junked vehicles and debris throughout the Township.
- I. Environmentally sensitive areas (including steep slopes, wetlands, floodplains, hydric or poor soil areas) and other fragile resource areas (including woodlands, aquifers, or groundwater recharge areas) should be used only in ways which will avoid causing or increasing problems for the Township, its residents, or surrounding municipalities.
- J. An adequate, safe transportation network should be maintained in the Township.
- K. Local and regional planning efforts and public sector expenditures should be coordinated in order to maximize the effectiveness of such investments; provide for orderly growth and development; and foster a pleasant, safe living environment.

104 DISCLAIMER OF MUNICIPAL LIABILITY

This Ordinance is not intended to create nor assume liability on the part of Wayne Township or any officer or employee thereof for any fire, flood, or other damage that may result from reliance on this Ordinance or from any administrative decisions lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations.

ARTICLE 2

DESIGNATION OF ZONING DISTRICTS

200 DESIGNATION OF DISTRICTS

For the purposes of implementing the objectives of this Ordinance, Wayne Township is hereby divided into the following zoning districts:

| | |
|---------|---|
| R-1 | Low Density Residential District |
| R-2 | Moderate Density Residential District |
| MU | Mixed Use District |
| VC | Village Center District |
| HI | Highway Interchange District |
| LI | Light Industrial District |
| A | Agricultural District |
| O/R | Open Space and Recreation District |
| FF & FP | Flood Fringe & General Floodplain District (Overlying District) |
| FW | Floodway District (Overlying District) |

201 DISTRICT PURPOSE STATEMENTS

A. R-1 Low Density Residential District

This district is intended to encourage low density development of new single-family residential neighborhoods and the orderly growth of existing developments. Lot sizes are established to preserve the peaceful, semi-rural character of these portions of the community. Compatible public and semi-public uses such as churches, schools and recreational facilities are permitted in this district, while industrial and commercial activities are discouraged.

B. R-2 Moderate Density Residential District

The purpose of this district is to identify areas of the Township where moderate density residential development can be situated without conflicting with other non-compatible land uses. Densities may vary throughout the district, but adequate open space must be reserved. Planned residential developments are permitted in this zone.

C. MU Mixed Use District

The Mixed Use District is intended to set aside an area of the Township in the vicinity of Pine Station which can support a mixture of commercial, government, and residential uses, including small retail shops, contractor warehouses, and service or repair operations.

D. VC Village Center District

The purpose of this district is to set aside areas in the vicinity of the Village of McElhattan which can support basic neighborhood residential and commercial uses, including small retail shops, restaurants, office and service establishments. The regulations governing development of this zone are intended to encourage the creation of new, small business activities, compatible with the character of the existing Village. Higher intensity uses may only be permitted where adequate sewer, water and transportation infrastructure is available or can be provided by the developer.

E. HI Highway Interchange District

This District is established to accommodate retail and wholesale business activities and to provide space for the location of commercial and institutional activities that can serve both Township residents and a broader, regional market. This zone recognizes the strategic location of the Township along U.S. Route 220, and encourages the siting of such enterprises at or near the McElhattan Interchange. The standards governing this district permit the development of a wide range of shopping, lodging, and eating facilities, but require adequate off-street parking and loading areas, and appropriate buffer yards or screen plantings to be provided by the developer. Regulations also assure sufficient arrangements are made to safely accommodate the anticipated volumes of traffic entering and exiting each site and ensure the efficient movement of people and goods through the Township.

F. LI Light Industrial District

The purpose of this zone is to encourage the continuity and expansion of existing manufacturing or industrial operations and to promote industrial investment in the Township. The regulations governing this zone prohibit uses which would substantially interfere with the utilization of these areas for light manufacturing or industrial purposes. Reasonable standards are included to minimize outside, unenclosed storage and to ensure adequate buffer yards or screen plantings are provided between this zone and other adjoining districts.

G. A Agricultural District

The purpose of this district is to preserve and protect those areas of the Township which are predominantly agriculture in use and those portions of the municipality which have the highest quality soils. The intent of this designation is to permit those lands best suited for agriculture (primarily those adjacent to the Susquehanna River) to be utilized for that purpose and to discourage the encroachment of incompatible activities. Limited, low-density residential and agribusiness operations are permitted, but land speculation for large scale development is discouraged.

H. O/R Open Space and Recreation District

The intent of this district is to recognize the value of the Township's woodlands, steep slopes, and other environmentally sensitive natural areas and to encourage their protection against destruction or elimination. The regulations for this zone therefore provide for uses which will support environmental protection objectives. Development is limited to low density residential or seasonal activities, and timber management, harvesting and processing operations which will not alter the character or natural balance of the environment.

I. FF & FP Flood Fringe and General Floodplain District (Overlying District)

This district is intended to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be floodproofed against flood damage. In these floodplain areas, development and/or the use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related requirements of this and all other Township codes and ordinances.

J. FW Floodway District (Overlying District)

The purpose of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in 100 year flood heights, velocities, or frequencies may be permitted. In addition, in Floodway District, no development shall be permitted except where the effects of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to the Federal Insurance Administration and the PA Department of Community and Economic Development. Furthermore, the use of land in this floodplain district shall be governed by the regulations of the underlying district, provided that all such uses shall be undertaken in strict compliance with the floodproofing and related requirements of this and all other Township codes and ordinances.

202 ZONING MAP

- A. The locations and boundaries of the zoning districts are hereby established as shown on the Official Zoning Map, which is made a part of this Ordinance together with all future notations, references and amendments.
- B. The Official Zoning Map shall be identified by the signature of the Chairman of

the Township Board of Supervisors, be properly attested to by the Township Secretary, and shall bear the municipal seal.

- C. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1100 of this Ordinance. The final authority as to the current status of zoning districts shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the Township Board of Supervisors, and shall bear the date of the amendment and the signatures of the Chairman of the Board of Supervisors and the Township Secretary.

203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

A. Designation of District Boundaries

The district boundary lines, except for the floodplain districts, are intended to generally follow the centerlines of streets, highways, railroad rights-of-way, existing lot lines, municipal boundary lines, or streams or may be designated as shown on the Official Zoning Map by a specific dimension from a road centerline or other boundary as indicated.

B. Determination of District Boundary Locations

Where uncertainty exists with respect to the actual location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its interpretation with respect thereto. Provided however, no boundary shall be changed by the Zoning Hearing Board. If the true location of the boundary cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the Township Supervisors.

C. Severed Lots

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance or amendment thereto, the Zoning Hearing Board may permit the extension of the regulations for either zone into the remaining portion of the lot for a distance not to exceed 50 feet beyond the district line, provided they find that such extension is consistent with the purposes of this Ordinance, including all floodplain management regulations.

204 FLOODPLAIN DISTRICT BOUNDARY CHANGES

The delineation of any boundary of the floodplain districts may be revised by the Township Supervisors in accordance with the amendment procedure outlined in Section 1100 of this Ordinance where natural or man-made changes have occurred and more detailed studies have been conducted by a qualified agency or individual, such as the U.S. Army Corps of Engineers. No change in any floodplain boundary

shall be made unless the municipality has sought and obtained approval for said change from the Federal Insurance Administration as per the National Flood Insurance Program regulations and has received a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA) for the proposed boundary change.

ARTICLE 3

DISTRICT REGULATIONS

300 APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as may be hereinafter provided.

A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered to:

1. exceed the height or bulk;
2. accommodate or house a greater number of persons or families;
3. occupy a greater percentage of lot area; or to
4. have narrower or smaller rear yards, front yards, side yards or other open space;

than is required in this Article, or in any other manner be contrary to this Ordinance.

C. The commencement of any of the uses or activities listed in this Article (the District Regulations) shall require the issuance of a Land Use Permit from the Township Zoning Officer, except as may be exempted by Section 1202 A. of this Ordinance.

301 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow, namely Sections 302-311. The use regulations are also presented by category of use in the TABLE OF USES which can be found in Appendix E of this Ordinance and general dimensional requirements are presented in a single page format in the TABLE OF AREA AND BULK REQUIREMENTS which can be found in Appendix F.

Section 302

R-1 LOW DENSITY RESIDENTIAL DISTRICT

Uses and Structures

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|---|---|--|--|
| <ol style="list-style-type: none"> 1. Single family detached dwellings. (See 402 & 403) 2. Conversion apartments. (See 404) 3. Bed & breakfast establishments. (See 409) 4. Government & non-profit uses, inc. libraries, museums, fire or police stations, post offices, or municipal buildings. 5. Agricultural uses, inc. land cultivation, forestry, & horticulture. (See 421) 6. Parks and recreation areas. | <ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. Private garages & carports. 3. Private swimming pools. 4. Home occupations. (See 425) 5. Family day care homes. 6. Unenclosed storage. (See 427) 7. Signs. (See 703) | <ol style="list-style-type: none"> 1. Animal hospital or veterinary clinics. (See 414) 2. Cemeteries, inc. mausoleums. 3. Churches or places of worship. 4. Public or private schools. | <ol style="list-style-type: none"> 1. Group homes. (See 407) 2. Public utility improvements. |

(Continued on Next Page)

Section 302

R-1 LOW DENSITY RESIDENTIAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

Minimum Yard Requirements
(See Section 502)

Maximum Height Requirements
(See Section 503)

1. Minimum Lot Area Per Principal Structure or Use:

a. On-Lot Sewage and Water -

1. Single Family Detached Dwelling and Other Principal Uses - 40,000 sq.ft. per dwelling unit or use, except as provided below.
2. Churches, Schools or Cemeteries - 3 acres.
3. Public Utility Improvements - 10,000 sq.ft.

b. Public or Community Sewer AND/OR Water -

1. Single Family Detached Dwellings and Other Principal Uses - 20,000 sq.ft. per dwelling unit or use, except as provided below.
2. Churches, Schools or Cemeteries - 3 acres.
3. Animal Hospitals - 40,000 sq.ft.
4. Public Utility Improvements - 10,000 sq.ft.

c. Irrespective of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.

2. Minimum Lot Width:

- a. On-Lot Sewage and Water - 100 feet.
- b. Public or Community Sewer OR Water - 100 feet.
- c. Public or Community Sewer AND Water - 80 feet.

3. Maximum Building Coverage: 25%.

1. Front Yard: 50 feet from edge of road right-of-way.

2. Side Yards: 15 feet each side.

3. Rear Yards: 15 feet.

1. Principal and Accessory Structures: 35 feet.

Section 303

R-2 MODERATE DENSITY RESIDENTIAL DISTRICT

Uses and Structures

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|--|---|---|--|
| <ol style="list-style-type: none"> 1. Single family detached dwellings. (See 402 & 403) 2. Conversion apartments. (See 404) 3. Mobile home parks. (See Article VI of Twp. Subdivision & Land Development Ordinance.) 4. Planned residential developments. (See 406) 5. Bed & breakfast establishments. (See 409) 6. Government & non-profit uses, inc. libraries, museums, fire or police stations, post offices, or municipal buildings. 7. Agricultural uses, inc. land cultivation, forestry & horticulture. (See 421) 8. Parks & recreation areas. | <ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. Private garages & carports. 3. Private swimming pools. 4. Home occupations. (See 425) 5. Family day care homes. 6. Unenclosed storage. (See 427) 7. Signs. (See 703) | | <ol style="list-style-type: none"> 1. Multi-family dwellings. (See 405) 2. Group homes. (See 407) 3. Nursing homes. 4. Personal care homes. 5. Public utility improvements. |

(Continued on Next Page)

Section 303

R-2 MODERATE DENSITY RESIDENTIAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

Minimum Yard Requirements *
(See Section 502)

Maximum Height Requirements
(See Section 503)

| | | |
|--|---|---|
| <p>1. <u>Minimum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>On-Lot Sewage and Water -</u></p> <p>1. <u>Single Family Detached Dwellings and Other Principal Uses - 40,000 sq.ft. per dwelling unit or use, except as provided below.</u></p> <p>2. <u>Personal Care Homes - 40,000 sq.ft. + 1,000 sq.ft. per resident.</u></p> <p>3. <u>Mobile Home Parks - 2 acres. (See Article VI of Twp. Subdivision & Land Development Ordinance)</u></p> <p>4. <u>Public Utility Improvements - 10,000 sq.ft.</u></p> | <p>1. <u>Front Yard: 50 feet from edge of road right-of-way.</u></p> <p>2. <u>Side Yards: 15 feet each side.</u></p> <p>3. <u>Rear Yard: 15 feet.</u></p> <p>* including mobile home park lots.</p> | <p>1. <u>Principal and Accessory Structures: 35 feet.</u></p> |
|--|---|---|

b. Public or Community Sewer OR Water -

1. Single Family Detached Dwellings and Other Principal Uses - 20,000 sq.ft. per dwelling unit or use, except as provided below.
2. Personal Care Homes - 20,000 sq.ft. + 1,000 sq.ft. per resident.
3. Nursing Homes - 40,000 sq.ft.
4. Multi-family Dwellings - 20,000 sq.ft. + 1,500 sq.ft. per dwelling unit.
5. Mobile Home Parks - 2 acres. (See Article VI of Twp. Subdivision and Land Development Ordinance)
6. Public Utility Improvements - 10,000 sq.ft.

c. Public or Community Sewer AND Water -

1. Single Family Detached Dwellings and Other Principal Uses - 20,000 sq.ft. per dwelling unit or use, except as provided below.
2. Personal Care Homes - 15,000 sq.ft. + 1,000 sq.ft. per resident.
3. Nursing Homes - 40,000 sq.ft.
4. Multi-family Dwellings - 15,000 sq.ft. + 1,500 sq.ft. per dwelling unit.
5. Planned Residential Developments - 15 acres.
6. Mobile Home Parks - 2 acres. (See Article VI of Twp. Subdivision & Land Development Ordinance)
7. Public Utility Improvements - 10,000 sq.ft.

d. Irrespective of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.

2. Minimum Lot Width:

- a. On-Lot Sewage and Water - 100 feet.
 - b. Public or Community Sewer OR Water - 100 feet. (See also Section 405)
 - c. Public or Community Sewer AND Water - 80 feet. (See also Section 405)
3. Maximum Building Coverage: 25%.

Section 304

MU MIXED USE DISTRICT

Uses and Structures

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|---|--|---|---|
| <ol style="list-style-type: none"> 1. Single family detached dwellings. (See 402 & 403) 2. Conversion apartments. (See 404) 3. Bed & breakfast establishments. (See 409) 4. Government & non-profit uses, inc. libraries, museums, fire or police stations, post offices, or municipal buildings. 5. Antique shops. (See 410) 6. Contractor or craftsman's shops & offices, inc. carpenters, plumbers, electricians, printers & landscapers. 7. Funeral homes or mortuaries. 8. Personal service establishments, inc. barber, beautician, & shoe repair. (See 410) 9. Professional business offices, inc. financial institutions, real estate, & insurance offices, medical & dental offices, architect or engineer, etc. 10. Professional studios, inc. artists, photographers, and music or dance schools. 11. Sales, service and repair shops for radio, TV, furniture, bicycles, lawn mowers, or appliances. (See 410) 12. Agricultural uses, inc. land cultivation, forestry, & horticulture. (See 421) 13. Nurseries, greenhouses, &/or garden shops. (See 410) 14. Parks & recreation areas. | <ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. Private garages & carports. 3. Private swimming pools. 4. Home occupations. (See 425) 5. Family day care homes. 6. Accessory residential uses. 7. Unenclosed storage. 8. Signs. (See 704) 9. Off-street parking &/or loading areas. (See Article 8) | <ol style="list-style-type: none"> 1. Animal hospitals &/or veterinary clinics. (See 414) 2. Cemeteries, inc. mausoleums. 3. Churches or places of worship. 4. Clubs, lodges or fraternal organization facilities. 5. Public or private schools. 6. Personal care homes. 7. Automobile service stations &/or repair garages. (See 411) 8. Car washes. (See 412) 9. Communications antennae, towers, &/or equipment buildings. (See 424) 10. Excavating or construction contractor's shops or offices. 11. Kennels. 12. Recycling drop-off centers. (See 417) 13. Riding academies, stables, or livery. | <ol style="list-style-type: none"> 1. Day care centers or group day care homes. (See 408) 2. Group homes. (See 407) 3. Sawmills or planing mills. 4. Junk yards or salvage operations. (See Ord.45-A of 1989, as amended 8/25/92) 5. Campgrounds or RV parks. (See 423) 6. Public utility improvements. |

(Continued on Next Page)

Section 304

MU MIXED USE DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

1. Minimum Lot Area Per Principal Structure or Use:
 - a. Single Family Detached Dwellings and Other Principal Uses - 1 acre (43,560 sq.ft.), except as provided below.
 - b. Churches, Schools, or Cemeteries - 3 acres.
 - c. Campgrounds or RV Parks - 5 acres
 - d. Junk Yards or Salvage Operations - 5 acres.
 - e. Public Utility Improvements - 10,000 sq.ft.
 - f. Irrespective of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.
2. Minimum Lot Width: 100 feet.
3. Maximum Building Coverage: 20%.

Minimum Yard Requirements
(See Section 502)

1. Front Yard: 50 feet from edge of road right-of-way.
2. Side Yards: 25 feet each side.
3. Rear Yard: 50 feet.

Maximum Height Requirements
(See Section 503)

1. Principal and Accessory Structures: 35 feet.

Section 305

VC VILLAGE CENTER DISTRICT

Uses and Structures

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|---|--|--|---|
| <ol style="list-style-type: none"> 1. Single family detached dwellings. (See 402 & 403) 2. Conversion apartments. (See 404) 3. Bed & breakfast establishments. (See 409) 4. Government & non-profit uses, inc. libraries, museums, fire or police stations, post offices, or municipal buildings. 5. Antique shops. (See 410) 6. Funeral homes or mortuaries. 7. Personal service establishments, inc. barber, beautician & shoe repair. (See 410) 8. Professional studios, inc. artists, photographers, music & dance schools, etc. 9. Agricultural uses, inc. land cultivation, forestry, & horticulture. (See 421) 10. Parks & recreation areas. | <ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. Private garages & carports. 3. Private swimming pools. 4. Home occupations. (See 425) 5. Family day care homes. 6. Accessory residential uses. 7. Unenclosed storage. (See 427) 8. Signs. (See 704) 9. Off-street parking &/or loading areas. (See Article 8) | <ol style="list-style-type: none"> 1. Clubs, lodges or fraternal organization facilities. 2. Day care centers or group day care homes. (See 408) 3. Automobile service stations &/or repair garages. (See 411) 4. Car washes. (See 412) 5. Mini-storage warehouses. (See 413) | <ol style="list-style-type: none"> 1. Group homes. (See 407) 2. Professional business offices, inc. financial institutions, real estate & insurance offices, medical & dental offices, architect or engineer, etc. 3. Restaurants. (See 410) 4. Sales, service & repair shops, for radios, furniture, bicycles, lawnmowers, TV's or appliances. (See 410) 5. Retail stores. (See 410) 6. Shopping centers. (See 416) 7. Public utility improvements. |

(Continued on Next Page)

Section 305

VC VILLAGE CENTER DISTRICT

Lot, Yard and Open Space Requirements

| Minimum Lot Requirements (See Section 501) | Minimum Yard Requirements (See Section 502) | Maximum Height Requirements (See Section 503) |
|---|--|--|
| <p>1. <u>Minimum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>On-Lot Sewage and Water -</u></p> <ol style="list-style-type: none"> 1. <u>Single Family Detached Dwellings and Other Principal Uses - 40,000 sq.ft. per dwelling unit or use, except as provided below.</u> 2. <u>Public Utility Improvements - 10,000 sq.ft.</u> <p>b. <u>Public or Community Sewer OR Water -</u></p> <ol style="list-style-type: none"> 1. <u>Single Family Detached Dwellings and Other Principal Uses - 20,000 sq.ft. per dwelling unit or use, except as provided below.</u> 2. <u>Shopping Centers - 5 acres.</u> 3. <u>Public Utility Improvements - 10,000 sq.ft.</u> <p>c. <u>Public or Community Sewer AND Water -</u></p> <ol style="list-style-type: none"> 1. <u>Single Family Detached Dwellings and Other Principal Uses - 20,000 sq.ft. per dwelling unit or use, except as provided below.</u> 2. <u>Shopping Centers - 5 acres.</u> 3. <u>Public Utility Improvements - 10,000 sq.ft.</u> <p>d. <u>Irrespective of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.</u></p> <p>2. <u>Minimum Lot Width: 60 feet.</u></p> <p>3. <u>Maximum Building Coverage: 20% (Residential Uses)</u></p> <p>4. <u>Maximum Impervious Surface: 50% (Commercial Uses)</u></p> | <ol style="list-style-type: none"> 1. <u>Front Yard: 50 feet from edge of road right-of-way.</u> 2. <u>Side Yards: 10 feet each side.</u> 3. <u>Rear Yard: 25 feet.</u> | <ol style="list-style-type: none"> 1. <u>Principal and Accessory Structures: 35 feet.</u> |

Section 306

HI HIGHWAY INTERCHANGE DISTRICT

Uses and Structures

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|---|---|--|---|
| <ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. Semi-public swimming pools. 3. Unenclosed storage. (See 427) 4. Signs. (See 705) 5. Off-street parking &/or loading areas. (See Article 8) | <ol style="list-style-type: none"> 1. Medical clinics. 2. Automobile service stations &/or repair garages. (See 411) 3. Communications antennae, towers, &/or equipment buildings. (See 424) 4. Restaurants. (See 410) 5. Retail stores. (See 410) 6. Mini-storage warehouses. (See 413) 7. Warehousing or storage facilities. 8. Recycling drop-off centers. (See 417) | <ol style="list-style-type: none"> 1. Correctional institutions. 2. Hospitals & related health care services buildings. 3. Institutional residences. (See 407) 4. Personal care homes. 5. Automobile &/or manufactured home sales & service facilities. (See 410) 6. Hotels, motels or similar lodging facilities. (See 410) 7. Professional business offices, inc. financial institutions, real estate & insurance offices, medical & dental offices, architect or engineer, etc. 8. Shopping centers. (See 416) 9. Private pre-school education/social services. 10. Day care centers. (See 408) 11. Public utility improvements. | |

(Continued on Next Page)

Section 306

HI HIGHWAY INTERCHANGE DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

1. Minimum Lot Area Per Principal Structure or Use:
 - a. Principal Commercial Uses - 1 acre (43,560 sq. ft.) per use, except as provided below.
 - b. Hotels, Motels, or Similar Lodging Facilities - 3 acres.
 - c. Correctional Institutions - 5 acres.
 - d. Hospitals - 5 acres.
 - e. Shopping Centers - 5 acres.
 - f. Public Utility Improvements - 10,000 sq.ft.
 - g. Irrespective of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.
2. Minimum Lot Width: 100 feet.
3. Maximum Impervious Surface: 70%.

Minimum Yard Requirements
(See Section 502)

1. Front Yard: 50 feet from edge of road right-of-way.
2. Side Yards: 25 feet each side.
3. Rear Yard: 50 feet.

Maximum Height Requirements
(See Section 503)

1. Principal and Accessory Structures: 35 feet.

Section 307

LI LIGHT INDUSTRIAL DISTRICT

Uses and Structures

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|---|--|---|--|
| <ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. Unenclosed storage. (See 427) 3. Signs. (See 705) 4. Off-street parking &/or loading areas. (See Article 8) | <ol style="list-style-type: none"> 1. Communications antennae, towers, &/or equipment buildings. (See 424) 2. Assembly plants. (See 418) 3. Excavation or contractor's garage, repair, &/or storage yards. 4. Machine shops. (See 418) 5. Manufacturing, wholesaling, &/or distribution uses. (See 418) 6. Mini-storage warehouses. (See 413) 7. Printing or publishing firms. (See 418) 8. Warehousing or storage facilities. 9. Recycling drop-off centers. (See 417) | <ol style="list-style-type: none"> 1. Bulk storage facilities for petroleum or similar products. (See 418) 2. Demolition sites. 3. Industrial parks. (See 418) 4. Laboratories &/or research facilities. (See 418) 5. Junk yards or salvage operations. (See Ord.45-A of 1989, as amended 8/25/92) 6. Sanitary landfills. 7. Truck terminals. (See 419) 8. Adult entertainment establishments. (See 415) 9. Public utility improvements. | |

(Continued on Next Page)

Section 307

LI LIGHT INDUSTRIAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

1. Minimum Lot Area Per Principal Structure or Use:
 - a. Principal Industrial Uses - 1 acre (43,560 sq. ft.) per use, except as provided below.
 - b. Bulk Storage Facilities - 5 acres.
 - c. Demolition Sites - 5 acres.
 - d. Industrial Parks - 5 acres.
 - e. Junk Yards or Salvage Operations - 5 acres.
 - f. Truck Terminals - 5 acres.
 - g. Sanitary Landfills - 100 acres.
 - h. Public Utility Improvements - 10,000 sq. ft.
 - i. Irrespective of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.
2. Minimum Lot Width: 100 feet.
3. Maximum Impervious Surface: 70%.

Minimum Yard Requirements
(See Section 502)

1. Front Yard: 50 feet from edge of road right-of-way.
2. Side Yards: 25 feet each side.
3. Rear Yard: 25 feet.

Maximum Height Requirements
(See Section 503)

1. Principal and Accessory Structures: 45 feet.

Section 308

A AGRICULTURAL DISTRICT

Uses and Structures

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|---|--|--|--|
| <ol style="list-style-type: none"> 1. Agricultural uses, inc. land cultivation, forestry & horticulture. (See 421) 2. Commercial boarding or raising of livestock or poultry, inc. animal husbandry, but excluding concentrated animal feeding operations. (See 421 and Conditional Uses.) 3. Nurseries, greenhouses, or garden shops. (See 410) 4. Riding academies, stables or livery. 5. Roadside stands. 6. Single family detached dwellings. (See 402 & 403) 7. Bed & breakfast establishments. (See 409) | <ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. Accessory agricultural bldgs. 3. Private swimming pools. 4. Home occupations. (See 425) 5. Unenclosed storage. (See 427) 6. Roadside stands. 7. Signs. (See 706) 8. Off-street parking &/or loading areas. (See Article 8) | <ol style="list-style-type: none"> 1. Communications antennae, towers, &/or equipment buildings. (See 424) 2. Animal hospital &/or veterinary clinic. (See 414) 3. Farm-related businesses. (See 426) | <ol style="list-style-type: none"> 1. Concentrated animal feeding operations. (See 421 B.) 2. Commercial outdoor recreation facilities. 3. Campgrounds or RV parks. (See 423) 4. Sales, service & repair shops for agricultural equipment. (See 410) 5. Group homes. (See 407) 6. Public utility improvements. |

(Continued on Next Page)

Section 308

A AGRICULTURAL DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

Minimum Yard Requirements *
(See Section 502)

Maximum Height Requirements
(See Section 503)

1. Minimum Lot Area Per Principal Structure or Use:
 - a. Principal Residential or Agricultural Uses - 1 acre (43,560 sq.ft.) per dwelling unit or use, except as provided below.
 - b. Commercial Outdoor Recreation Facilities - 3 acres.
 - c. Concentrated Animal Feeding Operations - 25 acres.
 - d. Public Utility Improvements - 10,000 sq.ft.
 - e. Irrespective of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.

1. Front Yard: 50 feet from edge of road right-of-way.
2. Side Yards: 25 feet each side.
3. Rear Yard: 25 feet.

* See also Section 421 A.

1. Principal and Accessory Structures: 45 feet.

2. Minimum Lot Width: 100 feet.

3. Maximum Building Coverage: No maximum.

Section 309

O/R OPEN SPACE/RECREATION DISTRICT

Uses and Structures

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|---|---|---|--|
| <ol style="list-style-type: none"> 1. Agricultural uses, inc. land cultivation, forestry & horticulture. (See 421) 2. Riding academies, stables or livery. 3. Wildlife or game preserves. 4. Seasonal dwellings, camps or cabins. 5. Single family detached dwellings. (See 402 & 403) 6. Conversion apartments. (See 404) 7. Churches or places of worship. 8. Water supply reservoirs &/or treatment plants. 9. Communications antennae, towers, &/or equipment buildings. (See 424) | <ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. Private swimming pools. 3. Home occupations. (See 425) 4. Unenclosed storage. (See 427) 5. Signs. (See 706) 6. Off-street parking &/or Loading areas. (See Article 8) | <ol style="list-style-type: none"> 1. Campgrounds or RV parks. (See 423) 2. Cottage developments. (See 422) | <ol style="list-style-type: none"> 1. Commercial outdoor recreation facilities. 2. Forest product processing, inc. on-site sawmills, planing mills, etc. 3. Wholesale or retail sale of forest products produced on-site. 4. Group homes. (See 407) 5. Mining & extractive operations. (See 420) 6. Public utility improvements, exc. water supply reservoirs, etc. (See Permitted Principal Uses) |

(Continued on Next Page)

Section 309

O/R OPEN SPACE/RECREATION DISTRICT

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

Minimum Yard Requirements
(See Section 502)

Maximum Height Requirements
(See Section 503)

1. Minimum Lot Area Per Principal Structure or Use:
 - a. Single Family Detached Dwellings and Other Principal Uses - 2 acres (87,120 sq.ft.) per dwelling unit or use, except as provided below.
 - b. Commercial Outdoor Recreation Facilities - 3 acres.
 - c. Cottage Developments - 5 acres.
 - d. Public Utility Improvements - 10,000 sq.ft.
 - e. Irrespective of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act and all other State or local sewage or water regulations.
2. Minimum Lot Width: 200 feet.
3. Maximum Building Coverage: 10%.

1. Front Yard: 100 feet from edge of road right-of-way.
2. Side Yards: 50 feet each side.
3. Rear Yard: 100 feet.

1. Principal and Accessory Structures: 35 feet.

Section 310

**FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT
(Overlying District)**

Uses and Structures *

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|--|--|--|--|
| Same as the underlying district, and in addition: 1. Land cultivation. (See 421) 2. Horticultural activities, inc. nurseries, greenhouses, &/or tree farming operations. 3. Public, semi-public, or private recreation facilities or uses, inc. parks, playgrounds, picnic areas, athletic fields, or similar uses. 4. Temporary uses, inc. carnivals or circuses. | Same as the underlying district, and in addition: 1. Uses & structures customarily incidental to an approved principal use. | Same as the underlying district. | Same as the underlying district. |

----- SAME AS THE UNDERLYING DISTRICT -----

(Continued on Next Page)

* **NOTE:** All uses, activities, and/or development in this district shall be undertaken in strict compliance with the floodproofing requirements contained in Article 6 of this Ordinance and any subsequently-enacted floodplain management regulations.

Section 310

**FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT
(Overlying District)**

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

Minimum Yard Requirements
(See Section 502)

Maximum Height Requirements
(See Section 503)

----- SAME AS THE UNDERLYING DISTRICT -----

Section 311

**FW FLOODWAY DISTRICT
(Overlying District)**

Uses and Structures *

| Permitted Principal Uses & Structures (Zoning Officer) | Permitted Accessory Uses & Structures (Zoning Officer) | Special Exception Uses & Structures (Zoning Hearing Board) | Conditional Uses & Structures (Township Supervisors) |
|---|---|--|--|
| Same as the underlying district, and in addition: | Same as the underlying district, and in addition: | Same as the underlying district. | Same as the underlying district, and in addition: |
| <ol style="list-style-type: none"> 1. Land cultivation. (see 421) 2. Undeveloped public, semi-public or private parks, playgrounds, or recreation areas, inc. hiking trails, picnic grounds, fishing, boating or swimming areas, and similar uses. 3. Temporary uses, such as carnivals or circuses. | <ol style="list-style-type: none"> 1. Accessory uses, such as yards, gardens, or pervious parking areas. | | <ol style="list-style-type: none"> 1. Water-related uses, such as docks, piers, marinas, etc. |

----- SAME AS THE UNDERLYING DISTRICT -----

* **NOTE:** NO construction, development, use, activity, or encroachment shall be permitted which will cause an increase in 100 year flood heights. (See also Article 6 of this Ordinance for detailed floodplain management regulations.)

(Continued on Next Page)

Section 311

**FW FLOODWAY DISTRICT
(Overlying District)**

Lot, Yard and Open Space Requirements

Minimum Lot Requirements
(See Section 501)

Minimum Yard Requirements
(See Section 502)

Maximum Height Requirements
(See Section 503)

----- SAME AS THE UNDERLYING DISTRICT -----

ARTICLE 4

SUPPLEMENTARY USE REGULATIONS

400 PURPOSE AND APPLICABILITY

The purpose of this Article is to supplement the District Regulations contained in Article 3 with additional requirements applicable to specific uses. Therefore, in addition to those standards outlined in Article 3, the following regulations shall pertain to the identified uses.

401 USES NOT PROVIDED FOR

All uses not expressly permitted in any district shall be prohibited. Any individual desiring to undertake an activity not expressly permitted may apply to the Township Supervisors for an Ordinance amendment in accordance with the procedure set forth in Section 1100 of this Ordinance. (See also Appendix C for an illustration of the amendment procedure.)

402 DWELLING UNITS

All dwelling units, including single-family and multi-family units, hereafter erected or altered shall adhere to the following requirements.

- A. Every dwelling unit shall conform to all applicable building, housing, electrical, and plumbing codes in effect in the Township or as may hereafter be enacted.
- B. Every dwelling unit shall be placed upon and firmly anchored to a permanent frost-free foundation, except as may be provided otherwise in Section 403 C. for mobile homes on individual lots. Such foundation shall consist of masonry construction placed upon a continuous footer set below the frost line, or other technique or methodology of demonstrated capability approved by the Township. In no event shall the dwelling unit be placed or erected upon jacks, loose blocks or other temporary materials. (See also Section 403 for additional requirements regarding mobile homes.)
- C. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Article 3 and the floodplain management regulations contained in Article 6 of this Ordinance.
- D. In the absence of more restrictive codes, every dwelling unit (whether attached or detached, including mobile homes, manufactured housing, and conversion apartments) shall contain a minimum of 700 square feet of gross floor area.

403 MOBILE HOMES ON INDIVIDUAL LOTS

For the purposes of this Ordinance, a mobile home may be permitted to be placed on a lot as a permanent independent dwelling unit in any district providing for single-family detached dwellings. When reviewing applications for such proposals, the Zoning Officer shall utilize the following criteria and may require additional information to be submitted where it is necessary to adequately protect the health, safety and welfare of Township residents.

- A. Every lot to be used for the placement of a mobile home shall have a gross area at least equal to the minimum lot size for single-family detached dwellings for the district in which it is located. In addition, the unit shall meet all applicable minimum setback requirements.
- B. Every mobile home shall meet the minimum standards of all local building, housing, electrical, plumbing and other codes in the Township or as may hereafter be enacted. Where such standards are more restrictive than those provided herein or specifically preempt the regulations of this Section, the more restrictive or preemptive requirements shall apply.
- C. Prior to placement on a site in the Township, the wheels of each mobile home shall be removed, and the tongue shall be boxed in or it too shall be removed.
- D. One (1) of the following types of pads shall be utilized for the placement of a mobile home in the Township:
 - 1. a continuous solid pad with at least four (4) anchors;
 - 2. a continuous foundation on footers extending from below the frost line to the floor of the mobile home unit;
 - 3. piers, at least two (2) feet in diameter, set below the frost line, placed at approximately eight (8) foot intervals, with no less than four (4) anchors; or
 - 4. such other installation as will meet or exceed all manufacturers' guidelines and recommendations.
- E. Every mobile home shall be firmly anchored to its foundation prior to being occupied or used in order to prevent overturning or uplift. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place "deadman" eyelets embedded in concrete or runways, screw augers, or arrowhead anchors. The anchoring system shall be designed to meet at least the minimum, industry-approved standards for wind resistance.
- F. Every mobile home shall have a continuous wall around its entire perimeter. One of the following types of walls shall be used:

1. a permanent wall constructed of concrete, masonry or other acceptable material, extending from the mobile home pad to its floor system; or
 2. skirting, made of materials prefabricated for this purpose or other impervious, moisture-resistant materials designed to compliment the appearance of the mobile home. (Skirting shall be in place prior to the issuance of a Certificate of Occupancy for the mobile home.)
- G. Access to crawl space created by the installation of a wall shall be provided by means of a lockable door.
- H. Every mobile home to be placed in a Flood Fringe or General Floodplain District must also comply with all applicable floodplain management regulations contained in Article 6 of this Ordinance.

404 **CONVERSION APARTMENTS**

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate a greater number of dwelling units or households shall be permitted only where specified in the District Regulations, Article 3. All such conversions shall meet the requirements set forth in Section 402 of this Ordinance as well as the standards outlined below.

- A. The lot upon which a conversion apartment is located shall meet the minimum lot area requirements of the zoning district in which it is to be located.
- B. Conversions may only be authorized for structures which were erected prior to the adoption of this Ordinance. Conversions shall be limited to one (1) building or structure per lot.
- C. Conversions shall be limited to three (3) dwelling units per building or structure.
- D. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Where connection to a community sewage system cannot be made, certification from the Township's Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface sewage disposal system or a sewage permit for the installation of a new system shall be submitted as part of an application for such a use.
- E. The facade and appearance of any existing single-family dwelling involved in a conversion shall remain unchanged by the conversion. All dwelling units shall share a single front entrance or additional entrances may be placed at the side or rear of the residence. All exterior stairways and fire escapes shall be located at the rear of the structure.
- F. No structural alterations designed to increase the gross floor area dimensions of the unit shall be made to the building, except as may be necessary for safety purposes or to improve handicapped accessibility. The building shall retain

substantially the same structural appearance it had before the conversion.

- G. A floor plan shall be included with the application for the conversion indicating all proposed interior and exterior modifications. A site plan shall also be submitted indicating all proposed lot improvements, including the location of all off-street parking spaces.

405 MULTI-FAMILY DWELLING STRUCTURES

Multi-family dwelling structures may be permitted only as specified in the District Regulations, Article 3. Every such application shall meet the requirements set forth in Section 402 of this Ordinance, the standards outlined in the Wayne Township Subdivision and Land Development Ordinance, and the criteria provided below.

A. Minimum Tract Area and Density Requirements

1. The minimum gross area required for each tract containing a multi-family dwelling structure shall be as specified in the District Regulations, Article 3. No multi-family dwelling structure shall contain more than six (6) dwelling units per structure and, notwithstanding anything herein to the contrary, the overall density shall not exceed eight (8) dwelling units per acre.
2. Where individual dwelling units of a *single-family attached type of multi-family dwelling structure* and the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, the following dimensional requirements shall be met:
 - a. Minimum Lot Area.
 - 1) Interior Lots. 3,440 square feet.
 - 2) Exterior Lots. 5,160 square feet.
 - b. Minimum Lot Width.
 - 1) Interior Lots. 20 feet.
 - 2) Exterior Lots. 30 feet.
 - c. Minimum Yard Requirements.
 - 1) Front Yard. 50 feet from edge of road right-of-way.
 - 2) Side Yards (Exterior Lots Only). 10 feet each side.
 - 3) Rear Yard. 15 feet.
3. Where *individual dwelling units of any multi-family dwelling structure* are proposed to be conveyed independently of any land area, the applicant shall demonstrate that all requirements of the Uniform Condominium Act will be met. (See also Sub-Section D.7. below.)

4. Where *individual dwelling units of any multi-family dwelling structure* are proposed to be subdivided, whether or not such subdivision includes any land area, all dwelling units contained in the structure shall be part of the proposed division.

B. Minimum Tract Width

The minimum width for each tract containing a multi-family dwelling structure will vary with each individual application and may be dependent upon the number of dwelling units proposed in each structure. In no case however shall the overall width of the tract be less than the minimum lot width required for the district in which the development is to be located. Each dwelling unit of a single-family attached dwelling structure shall maintain the minimum width set forth in Sub-Section A.2. above.

C. Minimum Tract Yard Requirements

The minimum yard requirements for each tract containing a multi-family dwelling structure shall be as set forth in the District Regulations, Article 3, except as outlined in Sub-Section A.2. for single-family attached dwelling structures.

D. Design Standards

1. Traffic Access. No multi-family dwelling unit may access directly onto a public street, with the exception of those dwelling units contained in two-family residences. All other multi-family dwelling units shall access public roads via an approved private street, driveway or common parking area. All new streets or access drives shall be designed and constructed in accordance with the applicable standards contained in the Wayne Township Subdivision and Land Development Ordinance.
2. Circulation and Off-Street Parking. Where applicable, the interior circulation system must be adequate to accommodate all intended traffic and emergency vehicle usage. In addition, a minimum of two (2) off-street parking spaces shall be provided on the site for each dwelling unit in a multi-family dwelling structure.
3. Sewerage and Water Facilities. Sewerage and water facilities for multi-family dwelling structures shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection and as set forth below.
 - a. Sewerage Facilities A public or community sewerage system or a private package sewage treatment facility shall be utilized to provide sewage service for such developments.
 - b. Water Supply. Where a public water supply system of satisfactory quantity, quality and pressure is reasonably accessible to the

proposed development, connection shall be made to this system and its supply shall be used exclusively. Where a public water supply system is not available, the developer shall provide a private water supply system to service his development.

The developer shall provide sufficient documentation to the Township, along with his development plans, to indicate that such facilities are presently available and will be extended to serve his development or that he has obtained the necessary approvals to construct them.

4. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Township for approval as part of the application submission process.
5. Grading and Ground Cover (Soil Erosion and Sedimentation Control) . All grading, erosion and sedimentation control requirements set forth in the Wayne Township Subdivision and Land Development Ordinance shall be met. (See also Section 504 F.)
6. Drainage Facilities. All drainage and/or stormwater management standards set forth in the Wayne Township Subdivision and Land Development Ordinance shall be met. (See also Section 504 G.)
7. Common Open Space Ownership and Maintenance. Where the conveyance of title to individual dwelling units of a multi-family dwelling structure does not include the conveyance of any land area, or does not include conveyance of the entire tract, the developer shall submit a plan to the Township indicating the arrangements to be made for ultimate ownership of and maintenance responsibilities for the common open space (including access drives and driveways) as a part of his application for such use. Copies of the approved arrangements shall be recorded as part of every deed for such conveyances. Where no conveyance is proposed, the developer shall supply the Township with a copy of his plan for the maintenance of all common open space areas associated with the structure.

E. Building Relationships.

Where more than one (1) multi-family dwelling structure is proposed for a single tract, the following standards shall apply to the relationship of buildings.

1. Arrangement of Buildings. Adequate provision must be made for light, air, access, and privacy between buildings where more than one (1) multi-family dwelling structure is proposed to be located on a single site. Each dwelling unit shall have a minimum of two (2) exterior exposures.
2. Maximum Length of Rows. The maximum length of any multi-family dwelling structure shall be 150 feet. Building groups must be arranged

so as to readily accessible by emergency vehicle.

3. Distance Between Buildings.

- a. The front or rear of any building shall be no closer to the front or rear of any other building in the group than 40 feet.
- b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.

4. Distance Between Buildings and Driveways.

- a. No driveway or parking lot shall be closer than 15 feet to the front of any building, nor ten (10) feet to the side or rear of any building, except that space may be provided for loading and unloading which is situated closer to the building it is intended to serve than is herein required.
- b. In the case of an enclosed garage or carport provided as a part of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

406 PLANNED RESIDENTIAL DEVELOPMENTS

Planned residential developments may be permitted only as specified in the District Regulations, Article 3. All applications for such uses shall be processed in accordance with the procedures set forth in Article VII of the PA Municipalities Planning Code, or as may hereafter be amended, and shall meet the standards outlined below.

A. Minimum Area Requirements

A minimum of 15 contiguous acres of land suitable for development shall be required for such a development.

B. Types of Uses Permitted

The following types of uses shall be permitted to be included in planned residential developments.

- 1. Single-family detached dwellings and multi-family dwelling structures (including single-family attached dwelling structures or townhouses, two-family dwellings, and apartment buildings).
- 2. Commercial and recreational uses or activities (including convenience stores, banks, community buildings, or recreational fields and courts) appropriate for incorporation into the proposed development and which are designed primarily to serve the occupants of the proposed

development.

3. Institutional uses (including churches, schools, day care centers, etc.) appropriate for incorporation into the proposed development and which are designed primarily to serve the occupants of the proposed development.

C. Maximum Residential Densities

The following maximum gross densities shall apply to all residential units within the proposed development.

1. Single-Family Detached Dwellings - four (4) dwelling units per acre.
2. Two-family Dwellings - six (6) dwelling units per acre.
3. Single-Family Attached Dwelling Units - eight (8) dwelling units per acre.
4. Other Multi-family Dwelling Units - eight (8) dwelling units per acre.

D. Minimum Yard Requirements

The minimum yard requirements set forth in Section 405 A.2.c. of this Ordinance shall be applicable for planned residential developments.

E. Design Standards

The design standards set forth in Section 405 D., Sub-Sections 1. through 6. of this Ordinance shall be met by all applications for planned residential developments.

F. Building Relationships

The building relationship standards set forth in Section 405 E. of this Ordinance shall be met by all applications for planned residential developments. In addition, all such developments shall be setback a minimum of 50 feet from all tract boundaries and 25 feet from the edge of all adjoining street rights-of-way.

G. Open Space Requirements

Common open space for recreation purposes, either active or passive, shall be an essential and major element of the plan. A minimum of 30% of the total tract shall be set aside by the developer as common open space for the use and enjoyment of all residents of the development. Where possible, such open space shall include the preservation of existing natural features and shall be easily accessible to all units in the development. Portions of the area to be used for recreation shall have suitable physical characteristics, including well-

drained soils, gentle topography, and suitable shape and size.

Applications for planned residential developments shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such open space areas. Where such open space is not dedicated to the Township, or where such dedication is not accepted by the Township, an Agreement which assigns maintenance responsibilities for the open space/recreation facilities shall be submitted by the developer and approved by the Township, recorded with the final plan, and referenced in the deeds or leases for each parcel or dwelling unit in the development.

407 GROUP HOMES

Group homes may be permitted only as specified in the District Regulations, Article 3. All applications for such activities shall also meet the requirements outlined below.

- A. The lot upon which the group home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Residents of a group home shall maintain a single household unit with shared use of rooms, and shall share mealtimes and housekeeping responsibilities. (There shall however be a no more than two (2) persons per bedroom.)
- C. Accommodations in a group home shall be provided for no more than eight (8) residents, excluding staff, at one time. Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.
- D. Adult supervision shall be provided at the facility on a 24-hour basis.
- E. Applicants for group homes shall indicate the type of care, counseling or treatment to be provided at the site. In all instances, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.
- F. Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances.
- G. Group homes shall be sponsored and operated by an organization licensed by either the State or the County. Proof of licensing shall be submitted with all applications for group homes.
- H. Any Land Use Permit issued for a group home shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed or identified in the application. Said Permit shall be

nontransferable.

- I. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements set forth by the PA Department of Environmental Protection. Where applicable, all other requirements of the PA Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for such a use.
- J. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such a use.
- K. Where adjacent land use dictates, in the opinion of the approving authority, adequate buffer yards and/or screening may be required in accordance with Sections 505 and 506 of this Ordinance.
- L. The requirements set forth in Article 8 regarding off-street parking, loading and access drives, and all other applicable standards of this Ordinance, including the sign requirements contained in Article 7, shall also be met.

408 DAY CARE CENTERS

Day care centers, nursery schools, kindergartens, or similar operations which are licensed by the PA Department of Public Welfare to provide care for more than 12 children outside of a family residence or those providing limited daytime care for adult, elderly, or handicapped persons may be permitted only as set forth in the District Regulations, Article 3. All such uses shall also meet the requirements outlined below.

- A. The lot upon which the day care center is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Outdoor recreation areas of at least 100 square feet per child and 50 square feet per adult being tended shall be provided. Such areas shall be completely enclosed with at least a six (6) foot chain-link or solid fence located no less than 25 feet from the edge of any adjoining street right-of-way. A dwelling or accessory building may be used as part of the required enclosure.
- C. To the extent possible, outdoor recreation areas shall be sufficiently screened and sound insulated to protect the neighborhood from noise and other disturbances. (See Section 506 for screening standards.)
- D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the facility and shall be approved by the PA Department of Environmental Protection. Satisfactory evidence that the necessary permits or

approvals have been obtained shall be submitted by the developer as a part of his application for such a use.

- E. All other applicable codes, ordinances or laws (including regulations of the PA Department of Public Welfare, PA Department of Labor and Industry, and PA Department of Education) shall be met. Satisfactory evidence that all necessary permits or approvals have been obtained shall be submitted as part of an application for a day care center.
- F. Passenger drop-off and pick-up areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site. In addition, the requirements set forth in Article 8 regarding off-street parking, and all other applicable standards of this Ordinance, including the sign requirements contained in Article 7, shall also be met.

409 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments may be permitted only as specified in the District Regulations, Article 3. In addition, the following standards shall also be met.

- A. The lot upon which the bed and breakfast establishment is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. The operator of the facility shall reside on the premises. Non-occupant employees shall be limited to three (3) workers.
- C. Overnight lodging accommodations for any guest shall not exceed 90 continuous nights.
- D. No more than two (2) adults and two (2) children may occupy a single guest room. There shall be no more than six (6) guest rooms available in a bed and breakfast establishment.
- E. Lodging accommodations may or may not include arrangements for breakfast or other meals.
- F. Dining facilities and services shall be available only to lodgers.
- G. Exterior alterations to existing structures shall be limited to those customarily associated with residential uses. No structural alterations shall be made to the building which will increase the unit's gross floor area dimensions, except as may be necessary for safety purposes or to improve handicapped accessibility.
- H. Satisfactory evidence shall be provided to the Township by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and

PA Department of Labor and Industry).

- I. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the facility and shall be approved by the PA Department of Environmental Protection. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for such a use.
- J. Arrangements for the collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of his application for such use.
- K. Adequate off-street parking and loading facilities shall be provided in accordance with Article 8 of this Ordinance.
- L. All other applicable standards of this Ordinance, including the sign requirements contained in Article 7, shall also be met.

410 RETAIL ESTABLISHMENTS

Retail establishments shall include those facilities and personal service uses specified in the District Regulations, Article 3. In addition, every proposed retail establishment shall meet the requirements outlined below as well as the standards set forth in the Wayne Township Subdivision and Land Development Ordinance.

Applications for retail establishments shall include the following information:

- A. a site plan prepared by a PA-licensed professional engineer, registered professional land surveyor, or architect, showing the tract of ground on which the use is proposed and the location of all buildings or structures existing or to be situated on the site;
- B. an indication that the use will not have a detrimental effect on the character of the area or neighborhood where it is proposed to be located, including the use of externally-broadcast music, public address systems, public announcements, paging, and similar activities;
- C. an indication that adequate sewage disposal facilities and a safe water supply will be provided;
- D. an indication that access to the proposed establishment will be adequate and as required, and that the number of off-street parking spaces and loading berths required in Article 8 of this Ordinance will be provided;
- E. an indication that a buffer yard and/or screening as required in Sections 505 and 506 of this Ordinance will be provided;
- F. an indication that all outdoor lighting associated with the proposed

establishment will be mounted and shielded to effectively eliminate glare on adjacent properties and on public streets;

- G. an indication of the arrangements to be made for the collection, storage and disposal of solid wastes generated by the commercial use, including an indication of the type of screening to be used to conceal all such storage facilities;
- H. an indication that all signs used to advertise such facilities will meet the requirements of Article 7 of this Ordinance;
- I. an indication of the establishment's proposed hours of operation; and
- J. an indication that no offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare will be detected at or beyond the property line of the lot containing the commercial activity.

411 AUTOMOBILE SERVICE STATIONS AND/OR REPAIR GARAGES

Automobile service stations and/or repair garages may be permitted only as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established for retail uses in Section 410 of this Ordinance as well as the standards outlined below, and all applicable State or federal laws.

- A. No service station or repair garage shall be located within 300 feet of any school, day care center, playground, nursing home, church or public place of assembly.
- B. Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line, nor shall any fuel oil, propane gas, or other similar substance shall be stored within 30 feet from a street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)
- C. With the exception of those existing garages located in an R-2 District, all associated repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building. (See also Section 411 G. below for repair garages in an R-2 District.)
- D. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the PA Department of Labor and Industry and PA Department of Environmental Protection regulations and is designed to contain all noise, vibrations, dust, and odor generated by the activity.
- E. Sewage and water facilities shall be sufficient to handle the anticipated loading

created by the facility and shall be approved by the PA Department of Environmental Protection. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for such a use.

- F. Arrangements for the collection, storage and disposal of all waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such use.
- G. In addition to the standards set forth above, where an existing nonconforming Automobile Repair Garage is situated within an **R-2 Zone**, the following requirements shall apply.
1. Every such operation shall be conducted on a lot containing a minimum of two (2) acres in size. Such lot may however include an existing residence or other structure.
 2. All such operations must be owner-operated. No Permits will be granted to lessee-operators.
 3. Except for towing, recharging and similar emergency services, hours of operation shall be limited to a time frame consistent with the neighborhood in which the garage is to be located. Such time frame shall be specified as part of the applicant's conditional use approval.
 4. Lighting and signage should be unobtrusive in nature.
 5. The volume of sound inherently and recurrently generated should be controlled in order to be consistent with the enjoyment of residential use on adjoining residential properties.
 6. No discernible vibration shall be permitted beyond the property line.
 7. No emission of gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot line without the use of instruments.
 8. No direct or reflected glare or heat shall be detectable at any point along or beyond the lot lines of the property.
 9. No smoke, dust, fly ash, or other solid or liquid particles, shall be emitted in such quantities as would be readily detectable without the use of instruments at any point along or beyond the lot lines of the property.
 10. In all activities involving, and in all storage of, flammable materials, the owner or operator of the garage shall provide employee training and adequate safety devices and equipment against the hazard of fire and/or explosion.

11. Where adjacent land use dictates, in the opinion of the Township Supervisors, a reasonable amount of visual screening shall be required to maintain the residential character of the neighborhood. Fencing may also be considered as a means of screening the garage from adjacent uses. (See also Section 506.)
12. No more than five (5) repaired vehicles or damaged vehicles not awaiting repair on the premises shall be stored outside of the garage at any time, and no vehicle which is not in the active process of being repaired on the lot shall be stored on the lot for more than 30 days. Furthermore, not more than nine (9) vehicles may be stored outside of the garage at any time, for any reason whatsoever.
13. The applicant must demonstrate a familiarity with the requirements for handling and disposing of hazardous substances, and must indicate an ability to abide by all regulations governing such materials.
14. All repair activities shall be conducted indoors.

412 CAR WASHES

Car washes may be permitted only as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established for retail uses in Section 410 of this Ordinance, any applicable state regulations, as well as the standards outlined below.

- A. Public or community sewer and water facilities must be used for car washes.
- B. Car wash facilities shall be setback at least 75 feet from all streams and waterbodies. Under no circumstances shall wastewater from a car wash be drained into a natural waterway.

413 MINI-STORAGE WAREHOUSES

Mini-storage warehouses are permitted only as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established for retail uses in Section 410 of this Ordinance as well as the standards outlined below.

- A. There shall be no commercial or residential use conducted from or occurring within such facilities. Such warehouses shall be used exclusively for the storage of personal property, goods and materials.
- B. Access to such facilities shall be sufficient to accommodate the size and type of items likely to be stored in the warehouse units. To that end, all storage facilities being situated in an HI or LI District shall be setback a minimum of 50 feet from side and rear property lines, and in a VC District, all such facilities shall be setback a minimum of 25 feet from side and rear property lines.

- C. All external storage of boats, RV's, or other vehicles shall be protected by security fencing and shall be shielded from public view.
- D. There shall be no storage of explosive, toxic, radioactive or highly flammable materials.
- E. The height of such storage facilities shall not exceed 20 feet, nor shall any storage unit exceed 3,000 sq.ft. in size.
- F. The maximum building coverage for such storage facilities shall be 50%.

414 ANIMAL HOSPITALS OR VETERINARY CLINICS

Animal hospitals or veterinary clinics are permitted only as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established for retail uses in Section 410 of this Ordinance as well as the standards outlined below.

- A. All buildings boarding animals that are not wholly-enclosed, and all outdoor pens, stalls or runways shall be located a minimum of 100 feet from all side and rear property lines, and where possible, all such facilities shall be situated to the rear of the principal structure.
- B. All outdoor pasture/animal recreation areas shall be enclosed by a fence of sufficient type to prevent escape of the animals. All such fences shall be setback a minimum of 10 feet from all property lines.

415 ADULT ENTERTAINMENT ESTABLISHMENTS

Adult entertainment establishments or facilities may only be permitted as specified in Article 3, the District Regulations. In addition, all applications for adult entertainment establishments shall meet the criteria set forth for retail uses in Section 410 of this Ordinance as well as the standards outlined below, and all applicable State or local requirements.

- A. No adult entertainment establishment may be situated or located within:
 - 1. 500 feet of the boundary of any Residential District or residential property line;
 - 2. 500 feet of the property line of any church, school, day care center, theater, park, playground, or other areas where minors congregate;
 - 3. 500 feet of the property line of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages; nor within
 - 4. 1,000 feet of the property line of any other adult entertainment establishment.

- B. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.
- C. All building openings, entries, exits or windows for adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.
- D. No person under 18 years of age shall be permitted within an adult entertainment establishment, nor be permitted to purchase or rent any adult entertainment materials.

416 **SHOPPING CENTERS**

Shopping centers are permitted only as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established for retail uses in Section 410 of this Ordinance as well as the standards outlined below.

- A. Such facilities may include, but need not be limited to department stores, chain stores, small-scale retail shops, personal service businesses, grocery stores, theaters, financial institutions, restaurants or other eating establishments. In addition, medical, dental or other professional offices and indoor recreational or entertainment activities may also be permitted, although such uses must occupy less than 50% of the total facility.
- B. Building coverage for shopping centers shall not exceed 30% of the total site area.
- C. The proposed development shall be constructed in accordance with an overall plan and shall be designed in a single architectural style with appropriate landscaping.
- D. Shopping centers shall be setback a minimum of 100 feet from all adjoining street rights-of-way and 50 feet from side and rear property lines. No parking, loading, or service areas shall be located closer than 25 feet to any property line. (See also Sub-Section E. below.)
- E. A landscaped buffer, at least 50 feet in width, shall be provided along the side or rear of any shopping center site which abuts a Residential District or residential area. No parking, loading or service area shall be permitted within the required buffer yard.
- F. The maximum distance between buildings or building groups in a shopping center shall be 20 feet.

417 RECYCLING DROP-OFF CENTERS

Recycling drop-off centers are permitted only as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established for retail uses in Section 410 of this Ordinance as well as the standards outlined below.

- A. All recyclables shall be placed in enclosed containers expressly provided and labeled for this purpose.
- B. Containers shall be setback at least 20 feet from the edge of any adjoining street right-of-way and shall be screened on all sides with plantings or a fence at least three (3) feet in height.
- C. Access to containers shall be sufficient to accommodate the size and type of vehicles likely to use such collection units. To that end, an apron at least ten (10) feet wide and 30 feet long shall be created in front of all containers.

418 INDUSTRIAL OR MANUFACTURING USES

Industrial or manufacturing uses shall include those fabricating, assembly or processing operations and activities established in the District Regulations, Article 3. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the Wayne Township Subdivision and Land Development Ordinance. Additional documentation may also be required where it is deemed necessary by the Township to protect the health, safety and welfare of its residents.

- A. Industrial or manufacturing operations shall abut on or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of industrial and employee traffic.
- B. Every industrial or manufacturing operation must be contained within a building, except as may be authorized otherwise for a specific type of industry or manufacturing activity and provided in Article 3.
- C. Adequate sewage and water facilities shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. The developer shall provide sufficient documentation along with development plans to indicate that such service will be provided.
- D. Arrangements for the collection, storage and disposal of all solid wastes generated by the operation shall be made by the developer and submitted to the Township for approval as a part of his application for such a use. Where determined appropriate, the Township may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.

- E. Off-street parking spaces shall be provided in accordance with Section 800, TABLE 2, of this Ordinance and off-street loading areas shall meet the requirements of Section 801, TABLE 3.
- F. Buffer yards and/or screening shall be provided as required in Sections 505 and 506 of this Ordinance.
- G. All lighting associated with proposed industrial or manufacturing activities shall be mounted and shielded to effectively eliminate glare on adjacent properties and public streets.
- H. All signs used to identify or advertise industrial or manufacturing operations shall meet the requirements of Article 7 of this Ordinance.
- I. All on-lot, unenclosed storage associated with an approved industrial or manufacturing use shall be located, where possible, to the rear of the site and shall be properly screened or otherwise shielded from public view.
- J. Accessory sales or retail outlets may be permitted to be associated with approved principal uses, but shall be clearly incidental to the industrial use of the subject site. Where such retail facilities are to be established, additional off-street parking spaces shall be provided in accordance with the requirements set forth in Section 800, TABLE 2, for such activities.
- K. Compliance with the following minimum performance standards, in addition to all applicable local, State or Federal codes or regulations (including DEP's air, water and noise pollution control standards) shall be required. The developer shall present sufficient documentation with his application for the industrial use to indicate that each of the applicable performance standards will be met.
 - 1. Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses.
 - 2. Vibration. No vibrations shall be discernible beyond the property lines of the industry.
 - 3. Odor. No emission of noxious, odorous gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot lines of the industrial operation without the use of instruments.
 - 4. Toxic or Noxious Matter. No discharge of any toxic or noxious matter in such quantity as would be detrimental or dangerous to public health, safety, comfort or welfare, or would cause injury or damage to property or businesses shall be permitted.
 - 5. Glare. No direct or reflected glare shall be detectable at any point along or beyond the property lines of the industry.

6. Heat. No direct or reflected heat shall be detectable at any point along or beyond the property lines of the industry.
7. Dust and Fly Ash. No solid or liquid particles shall be emitted in such quantities as would be readily detectable at any point along or beyond the property lines of the industry or as would produce a public nuisance or hazard.
8. Smoke. No smoke shall be emitted in such quantity as would become a nuisance.
9. Fire, Explosion, and Chemical Hazards. In all activities involving, and in all storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire, explosion, leaks or spills, and appropriate fire fighting and fire suppression equipment and devices standard in the industry, or as may be required by any State or local building or fire codes.
10. Radioactivity or Electrical Disturbances. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

419 TRUCK TERMINALS

Truck terminals may be permitted only as specified in the District Regulations, Article 3. Applications for such uses shall also meet the criteria established for industrial uses in Section 418 of this Ordinance as well as the standards outlined below.

- A. No truck terminal shall be located closer than 500 feet to any Residential or Agricultural District.
- B. The maximum impervious surface for truck terminals shall not exceed 50% of the total development site.
- C. Short-term warehousing may also be approved as a part of this use.

420 MINING AND EXTRACTIVE OPERATIONS

Mining and extractive operations may be permitted only as specified in the District Regulations, Article 3. Such operations shall comply with all State and Federal regulations governing mining, and evidence of such compliance shall be submitted with any application for said activity. In addition, the operation shall meet the criteria established for industrial uses in Section 418 of this Ordinance as well as the standards outlined below. *(Where however, the requirements of this Ordinance conflict with any State or Federal laws or regulations pertaining to mining and extractive operations, such State or Federal law shall prevail.)*

- A. Applicants shall provide a full set of plans and documents to the Township which indicate that all State and Federal regulations for such activities have been met.
- B. Mineral extraction operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties. All applicants shall provide the Township with an analysis of the impact of their development on Township roads, including an indication of the weight of all trucks to be used in the operation.
- C. All applicants shall provide the Township with a plan for dust abatement and shall describe how dust and mud will be controlled during the extractive operation.
- D. No stock piles, waste piles, or active processing equipment shall be located closer than 1,000 feet to any Residential District.
- E. No part of a quarry pit, private access road, truck parking area, scales, or operational equipment shall be located closer than 500 feet to a Residential District.
- F. No part of a quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment or truck parking area shall be located closer than 100 feet to the right-of-way of any public street.
- G. No part of a quarry shall be located closer than 200 feet to any property line.
- H. Screen plantings, buffering, and/or fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically regulated by State or Federal standards, a buffer yard of 50 feet and screening in accordance with Section 506 of this Ordinance shall be provided. In addition, in the case of quarry pit excavation, a fence, at least six (6) feet high, shall completely surround the excavated area.
- I. Following the extraction operation, the applicant shall restore the area to a contour satisfactory to the Township Supervisors. The applicant shall provide plans and proposals to the Township indicating the process to be followed to bring about this restoration as a part of his application for such a use. If it is determined appropriate by the Supervisors, they may require a performance bond from the applicant to ensure that such restoration will take place.

421 AGRICULTURAL USES

Irrespective of the specific uses listed or permitted in any of the Township's zoning districts, existing agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property

interests to persons, agents or others interested in developing a use in conformance with the District Regulations set forth in Article 3. All agricultural uses initiated after the effective date of this Ordinance shall however be subject to the following safeguards and regulations.

A. General Agricultural Use Regulations

The following general regulations shall apply to all agricultural or family farming uses, as appropriate.

1. Private gardens shall be permitted in all zoning districts.
2. Commercial animal husbandry activities may only be authorized in the Agricultural District. (See also *Sub-Section B. below regarding Concentrated Animal Feeding Operations.*) In the R-1, R-2, and MU Districts, the boarding or raising of animals shall be limited to horses, llamas, goats, sheep and donkeys, and shall specifically exclude pigs, mink, cattle, or other similar animals which may create a nuisance. (Household pets are exempt from these regulations.)
3. Buildings in which livestock and/or poultry are to be housed (temporarily or permanently), shall not hereafter be erected within 50 feet of a property line or 25 feet of a street right-of-way. All other agricultural buildings shall be setback in accordance with the standards established in the appropriate District Regulations.
4. No outdoor feedlot, compost, manure or other similar unenclosed storage shall be located closer than 50 feet to any property line, stream, water body or designated wetland area.
5. All waste storage ponds, waste storage structures (including waste storage tanks and waste stacking facilities), and waste treatment lagoons established after the effective date of this Ordinance shall be planned, designed, constructed, operated and maintained in accordance with all applicable State and Federal standards and specifications. (See also *Sub-Section B. below for standards pertaining to concentrated animal feeding operations.*)
6. To avoid potential safety problems, cultivation activities shall not be located within the clear sight triangle of any public street intersection.
7. Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.

B. Concentrated Animal Feeding Operation Regulations

Concentrated animal feeding operations (CAFO) may only be permitted in an Agricultural District, and all new or expanded CAFO's shall require Conditional

Use approval from the Township Supervisors prior to the issuance of a Land Use Permit. In addition, all applications for CAFO's shall satisfy the following criteria.

1. All concentrated animal feeding operations shall meet the requirements set forth in the PA Nutrient Management Regulations for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards established in the Nutrient Management Regulations pertaining to nutrient application, manure management, and manure storage facilities.
2. All applications to the Township for new or expanded concentrated animal feeding operations shall include the following information:
 - a. a detailed, written description of the type and size of operation being proposed;
 - b. a site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence); and
 - c. a copy of the applicant's Nutrient Management Plan, reviewed and approved by the Clinton County Conservation District, designated Nutrient Management Specialist, or other appropriate agency.

422 COTTAGE DEVELOPMENTS

Cottage developments may be permitted only as specified in the District Regulations, Article 3. All applications for such uses shall also meet the requirements set forth in the Wayne Township Subdivision and Land Development Ordinance as well as the standards outlined below.

- A. The principal use of the proposed tract shall be seasonal and intended for periodic use over a limited number of months during certain seasons of the year. No occupant shall be permitted to remain in such development for more than 120 days in any calendar year.
- B. Adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties shall be taken.
- C. Mobile or manufactured homes and recreational vehicles shall not be permitted to be used in cottage developments.
- D. Every cottage development shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the PA Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been obtained shall be submitted to the

Township as a part of the application for such a use.

- E. Where such uses are proposed to be located in the Flood Fringe or General Floodplain District, all requirements regarding floodproofing contained in Article 6 of this Ordinance shall be met.

423 CAMPGROUNDS OR RECREATIONAL VEHICLE PARKS

Campgrounds or recreational vehicle parks may be permitted only as specified in Article 3, the District Regulations. Every proposed campground or recreational vehicle park must also meet the requirements of the Wayne Township Subdivision and Land Development Ordinance as well as the standards outlined below.

A. General Requirements

Campgrounds or recreational vehicle parks shall be designed for intermittent recreational use. No year-round residential occupancy of any unit in a campground shall be permitted. (See Sub-Section D. below regarding campgrounds in Floodprone Areas.)

B. Design Standards

1. Minimum Campground Area. A campground shall have a gross area equal to the minimum lot size required for the district in which it is to be located.
2. Campsite Requirements.
 - a. Gross Density. The maximum number of campsites within each campground shall be no more than 15 per acre of gross area of the campground.
 - b. Minimum Campsite Sizes. Each campsite shall contain a minimum of 2,000 square feet. The minimum width shall be not less than 40 feet.
 - c. Campsite Pads. Each campsite shall be provided with a stabilized pad of gravel, crushed stone or other suitable material to be used for the placement of the camping unit. (Tent sites shall not be governed by this requirement.)
 - d. Camping Units. No more than one (1) camping unit (recreational vehicle, truck camper, or other similar unit) shall be located on each campsite. (Tents shall not be governed by this limitation.)
 - e. Accessory Structures. No accessory structures, including sheds, storage buildings, porches, privies, etc. shall be placed on campsites located in floodplain areas. (See also Sub-Section D. below.)

3. Setbacks, Buffer Yards and Screening Requirements.
 - a. Park Perimeter Buffer Yard. All campsites and auxiliary park structures shall be located at least 50 feet from the campground boundary lines, including public road rights-of-way. Where screening of natural plantings meeting the requirements of Section 506 is provided along the perimeter, this minimum buffer may be reduced to 25 feet.
 - b. Minimum Distance Between Structures and Campsites. All campsites shall be located at least 30 feet from any auxiliary building.
 - c. Minimum Distance Between Camping Units. No part of an individual camping unit shall be closer than 10 feet to a campsite boundary, including awnings and similar projections. (Tents shall not be governed by this limitation.)
4. Campsite Access. All campsites shall abut and have frontage on a street of the campground internal street system. (See also Sub-Section B.5 below.) In addition, at the entrance intersection of the campground, a 50 foot wide cartway shall be provided for a distance of 100 feet to accommodate the safe movement of vehicles or units into and out of the facility.
5. Campground Internal Street System Requirements. The internal street system shall be designed and constructed by the campground owner in accordance with the applicable street standards outlined in the Wayne Township Subdivision and Land Development Ordinance, and shall be of sufficient length, width, and material to support the weight of all proposed camping units as well as emergency vehicles. It shall be the responsibility of the campground owner to maintain all such streets within the campground.
6. Off-Street Parking Requirements. A minimum of one (1) vehicle off-street parking space shall be provided for each campsite, plus one (1) additional off-street parking space for every five (5) campsites shall be provided within the campground. A common parking area shall be provided for tent campers within 250 feet of campsites set aside for tent campers.
7. Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans). All grading, soil erosion and sedimentation control requirements set forth in the Wayne Township Subdivision and Land Development Ordinance shall be met. (See also Section 504 G.)
8. Drainage Facilities. All drainage and/or stormwater management standards set forth in the Wayne Township Subdivision and Land Development Ordinance shall be met. (See also Section 504 H.)

9. Common Open Space Requirements. A minimum of 20% of the gross area of the campground shall be reserved by the developer/owner as common open space for the use of all occupants of the park. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures or service lanes. At least a portion of the open space shall be set aside for recreational use. Such recreation area shall be suitable for outdoor recreation activities and shall be easily accessible to all campsites. Applications for campgrounds or recreational vehicle parks shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such common open space and recreation areas. Copies of such arrangements shall be included in the lease for each campsite.

C. Utilities and Park Facilities

1. Sewage and Water Facilities. The standards of the Department of Environmental Protection for the provision of sewer and water facilities shall be met. Documents and approvals indicating that these standards have been met along with notations on the campground plan showing the location of water sources and restrooms shall be presented to the Township by the applicant. (No Land Use Permit shall be issued for the campground until the sewage and water supply systems have been approved by DEP.) Where individual sewer hook-ups are not provided for each campsite, a DEP-approved community dump station must be provided by the developer for sewage disposal within the campground. It shall be the responsibility of the campground developer/owner to maintain all such facilities and comply with all local sewage regulations.
2. Other Utility Systems. Where electric or other utilities are to be provided, plans shall be provided by the developer/owner and approved by the Township and the utility company.
3. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the users of the proposed campground shall be made by the developer/owner and submitted to the Township for approval as a part of the development plan evaluation process.
4. Service and Other Campground Buildings. Service, maintenance and management buildings and commercial sales buildings required for the management, servicing and maintenance of the campground may be allowed provided that such buildings are used exclusively for said purposes. Structures may be located within the Flood Fringe or General Floodplain District as long as they are adequately floodproofed, but no structures may be located within the Floodway District. (See Article 6 for floodproofing standards.)
5. Campground Management. During times of operation, each campground

owner shall designate a resident manager who shall be responsible for maintaining the facility in accordance with the requirements of this Ordinance and the terms and conditions of the campground's approval.

D. Campgrounds in Floodprone Areas

1. Each campground proposed to be located within a designated Floodplain District, shall be required to obtain an annual, Seasonal Land Use Permit. Such Permits will only be valid from April 15 through October 15 of each year. All units must be removed from the floodplain during the remainder of the year.
2. Where campgrounds are proposed to be located within any designated Floodplain District, a workable evacuation plan must be submitted as a part of each application for a Seasonal Land Use Permit. Said plan must insure that all units will be removed from the floodplain during flood events.
3. Camping units being placed in campgrounds located within any designated Floodplain District must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the units in times of flood danger.

424 COMMUNICATIONS ANTENNAE, TOWERS, AND/OR EQUIPMENT BUILDINGS

Communications antennae, towers and/or equipment buildings may be permitted only as specified in the District Regulations, Article 3. All applications for such uses shall be subject to the standards outlined below, as well as all other applicable State or Federal regulations.

A. General Requirements

1. No person or entity shall construct, install or otherwise operate a communications antennae or erect a communications tower or equipment building without first securing a Land Use Permit from the Township Zoning Officer.
2. The applicant shall provide sufficient documentation that is it licensed by the Federal Communications Commission (FCC) to operate a communications tower and/or antennae. The applicant shall also demonstrate that all antennae proposed to be mounted on such towers will comply with the applicable standards established by the FCC governing human exposure to electromagnetic radiation, and that any proposed tower will comply with all Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation, and applicable Airport Zoning regulations.

3. The applicant shall also demonstrate that the proposed antennae will not cause interference with other communications facilities located in Wayne Township.
4. There shall be no strobe or other warning lights utilized on communications antennae, towers, or equipment buildings unless mandated by the FAA.
5. No provision of this Section is intended to unduly restrict or impair communications activities conducted by any FCC-licensed individual or entity. In the event that it is determined that any provision of this Section would unlawfully restrict the exercise of a license issued by the FCC, the Supervisors of Wayne Township shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a conditional use.

B. Communications Antennae

1. Building-mounted communications antennae shall not be located on a single- or two-family dwelling.
2. Building-mounted antennae shall not exceed 50 feet in height. Omni-directional or whip antennae shall not exceed a height of 20 feet and a diameter of seven (7) inches. Directional or panel antennae shall not exceed five (5) feet in height and three (3) feet in width.
3. Any applicant proposing to mount a communications antennae on a building or other structure shall submit evidence to the Township from a PA-registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with the antennae location. In addition, the applicant shall submit detailed construction and elevation drawings indicating how the antennae will be mounted on the building or structure and evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennae is located.
4. Building-mounted antennae shall be located on those building elevations which do not face public rights-of-way.

C. Communications Towers

1. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennae on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one

quarter (.25) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons applies for not selecting such structure.

- a. The proposed antennae and related equipment would exceed the structural capability of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed antennae and related equipment would cause radio frequency interference with other existing equipment for that structure and the interference could not be prevented at a reasonable cost.
 - c. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. Addition of the proposed antennae and related equipment would result in electromagnetic radiation from the structure exceeding applicable standards established by the FCC governing human exposure to such radiation.
 - e. A commercially reasonable agreement could not be reached with the owners of such structure.
2. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the district in which the tower is to be located.
 3. The maximum height of any communications tower shall be 180 feet. The applicant shall however demonstrate that the proposed height is the minimum necessary to perform the intended function.
 4. The foundation and base of any communications tower shall be setback from all property lines a distance equal to the intended height of the tower.
 5. The base of the tower shall be landscaped to screen the foundation, base, and equipment building from abutting properties. (See also Section 506.)
 6. The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
 7. All communications towers shall be designed and constructed in accordance with currently accepted engineering practices, taking into consideration all relevant safety factors, including but not limited to wind forces. All guy wires associated with communications towers shall be clearly marked so as to be visible at all times and shall be located within the required fenced enclosure. The applicant shall supply the Township

with certification from a PA-licensed professional engineer indicating that such practices will be met.

8. No signs or lights shall be mounted to a communications tower, except as may be required by the FCC, FAA, or other governmental agency which has jurisdiction.
9. Access to the communications tower and/or equipment building shall be provided by means of a public street or private right-of-way or easement to a public street. Any such right-of-way or easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
10. The applicant shall submit a copy of his FCC license, together with the name, address and emergency telephone number of the operator of the communications tower, and a certificate of insurance evidencing general liability coverage in the amount of \$1 million per occurrence and property damage coverage in the amount of \$1 million per occurrence covering the tower and antennae thereon, with a \$3 million aggregate.
11. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the facility within six (6) months following the initial 12-month period.

D. Equipment Buildings

1. Structures permitted for the housing of equipment, transformers, and other similar provisions, shall be designed and constructed to be compatible with the general character of the other structures located within the same district, and shall be subject to the setback requirements provided in the District Regulations for the district where they are to be located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the operations, and shall generally be unmanned.
2. The maximum height of a communications equipment building shall be 35 feet.

425 HOME OCCUPATIONS (SEE ALSO SECTION 426)

Home occupations may be permitted as accessory uses in all zoning districts, except the HI and LI Districts, unless such activities are prohibited by special deed restrictions. All such activities shall comply with the following requirements.

- A. The area devoted to the home occupation shall be located entirely within the owner's dwelling and shall not occupy more the 25% of the gross floor area of the dwelling, up to a maximum of 600 square feet. The use of a detached accessory building for the location of a home occupation must be approved

by the Zoning Hearing Board as a Special Exception, and occupations so located may not occupy more than 600 square feet of gross floor area.

- B. The home occupation shall be clearly secondary to the principal residential nature or use of the dwelling.
- C. Persons engaged in the permitted home occupation shall be limited to the members of the household of the operator residing on the premises a not more than one (1) non-resident employee.
- D. The majority of all goods or products sold on the premises must be produced on the premises. Such limitations shall however not apply to service-oriented home occupations.
- E. A home occupation shall not in any way alter the residential character of a neighborhood nor in any way adversely affect the safe and comfortable enjoyment of individual property rights of the neighborhood in which the use is located.
- F. A permitted home occupation may not involve noise which will be audible to neighboring residents between the hours of 6:00 p.m. and 7:00 a.m. The Township may also require the applicant to use insulation to minimize any audible noise or may disapprove the application where, in their opinion, the proposed activity will involve unreasonable noise.
- G. No offensive or objectionable vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.
- H. The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood nor cause a substantial increase in the volume of traffic in the neighborhood. (For the purposes of this Ordinance, a 20% increase shall be considered substantial.)
- I. There shall be no exterior display or sign, except as may be permitted in Article 7, and no outside or unenclosed storage of materials associated with the business.
- J. A minimum of two (2) additional off-street parking spaces shall be provided for all home occupations.

426 **FARM-RELATED BUSINESSES**

Farm-related businesses may be permitted only as specified in the District Regulations, Article 3. All applications shall be subject to the standards outlined below.

- A. For the purposes of this Ordinance, a farm-related business shall be defined

as a commercial enterprise conducted on a farm parcel which is related to or supportive of an on-going agricultural operation located on the same tract. All such occupations shall remain accessory to the principal agricultural use of the property.

- B. Farm-related businesses shall be conducted entirely within a completely enclosed building(s) typical of farm buildings, but not within the farm residence. All buildings used for farm-related businesses shall however remain compatible with the character of the farm and the rural setting in which they are located.
- C. Farm-related businesses shall occupy no more than 4,000 sq.ft. of gross floor area and shall be located no closer than 200 feet to any Residential District.
- D. The owner or occupant of the farm must be engaged in the farm-related business and not more than four (4) non-resident employees.
- E. Farm-related businesses may include, but need not be limited to, agricultural machinery, equipment or implement sales or service; blacksmithing operations; tack shops; feed or seed sales; and agricultural product sales.
- F. All signs used to advertise such facilities shall meet the requirements of Article 7 of this Ordinance.
- G. Off-street parking spaces shall be provided for each farm-related business as set forth in Article 8 of this Ordinance.

427 UNENCLOSED STORAGE

Outdoor or unenclosed storage may be permitted as an accessory use on any lot in all zoning districts in the Township, but shall be subject to the following standards.

- A. Materials to be stored shall be limited to:
 - 1. wood or other products used for heating purposes;
 - 2. animal feeds or related agricultural materials;
 - 3. building materials being used for construction associated with an active Land Use Permit; or
 - 4. in the Industrial and Highway Commercial Districts, materials associated with the assembly or manufacture of items being produced on the same lot as the storage.
- B. All such storage shall be located on the lot occupied by the owner of the material or items.

- C. Such storage shall not constitute a nuisance nor create a safety hazard.
- D. No such storage shall be permitted in a front yard and shall be situated so as to meet the applicable side and rear yard requirements for the district in which it is located. In addition, all unenclosed storage shall be placed or screened from view of the traveling public.
- E. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use shall be used for such storage.
- F. In the R-1 and R-2 Districts, the outdoor stockpiling of materials (except firewood) for more than one (1) year shall be prohibited.
- G. All trash dumpsters located in the R-1 and R-2 Districts shall be located within a side or rear yard, and shall be enclosed and screened from view from public roads and adjoining properties.
- H. No on-lot storage shall be permitted in a Floodway District.

ARTICLE 5

SUPPLEMENTARY LOT REGULATIONS

500 PURPOSE

The provisions of this Article represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common within all zoning districts or are to be applied to specific situations as may be otherwise stated throughout the Ordinance.

501 GENERAL LOT REQUIREMENTS

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.
- B. No part of a yard, or other open space, or off-street parking area or loading space required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building, except as may be specifically provided otherwise. (See also Section 504 A.)
- C. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, OR other land developments approved pursuant to the requirements of the Wayne Township Subdivision and Land Development Ordinance.
- D. The minimum lot width of any lot shall be measured at the minimum building setback line as required for that district. Lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have lot widths of less than those required provided that the average of the front and rear lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width of less than 50 feet.
- E. No portion of a lot included in a street right-of-way shall be included in calculating the lot's area.
- F. Every lot hereafter created shall be adjacent to a public street or shall have access to a public street via an approved private street or right-of-way.

502 YARD REQUIREMENTS

A. Projections

1. Chimneys, flues, cornices, eaves, gutters, uncovered steps, or bay windows may project into any required yard, but not more than 24 inches.
2. Porches, decks, loading docks, and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard.
3. Uncovered patios, driveways, and parking areas may project into required yards provided they are no higher than 12 inches above yard grade.

B. Front Yards

1. Front yard setbacks shall be as set forth in the District Regulations and shall be measured from the edge of the adjoining street right-of-way. Where however, a lot has no road frontage or in the case of a "flag" lot, the front yard requirements shall be equal to either the front yard setback specified in the applicable district or 35 feet, whichever is greater. In the case of a lot with no road frontage, the front yard requirement shall be measured from the edge of the front property line, and in the case of a "flag" lot, the front yard requirement shall be measured from the edge of the longest lot line opposite the rear lot line.
2. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent improved lots.
3. Where an addition is proposed for an existing principal residential building which extends into the required front yard, the addition may be authorized by the Zoning Officer so long as the addition extends no further into the required front yard than the existing structure, and is no closer than ten (10) feet to the edge of the adjoining street right-of-way or front property line where the lot has no road frontage.
4. Accessory buildings or structures may not be erected or located within any required front yard, except as may be provided in Section 504 B. for fences and in Article 7 for signs.
5. Off-street parking and loading areas may be located within a required front yard, but only as may be provided in Article 8 of this Ordinance.

C. Side Yards

1. On a corner lot, the side yard abutting the street shall have a depth equal

to the required front yard for the district in which the lot lies. The remaining two (2) yards shall constitute a side yard and a rear yard.

2. Accessory buildings or structures may not be erected or located within required side yards, except as may be provided in Section 504 B. for fences and in Article 7 for signs.
3. Off-street parking and/or loading areas may be located within required side yards, but only as may be provided in Article 8 of this Ordinance.

D. Rear Yards

1. Accessory buildings or structures may not be erected or located within required rear yards, except as may be provided in Section 504 B. for fences and in Article 7 for signs.
2. Off-street parking and/or loading areas may be located within required rear yards, but only as may be provided in Article 8 of this Ordinance.

503 HEIGHT REGULATIONS

- A. Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height as necessary to accomplish their intended purpose.
- B. Agricultural or industrial structures, such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in the District Regulations where the function or process involved requires a greater height.
- C. Communications antennae and towers may also exceed the height regulations contained in the District Regulations, but only as provided in Section 424 of this Ordinance.
- D. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration.

504 MISCELLANEOUS PROVISIONS

A. Two or More Principal Uses in the Same Building

When two (2) or more principal uses occupy the same building (not including

home occupations as set forth in Section 425), sufficient off-street parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Ordinance OR authorized as part of a land development approved pursuant to the requirements of the Wayne Township Subdivision and Land Development Ordinance.

B. Fences and Walls (See also Section 506 B.)

1. Fences or walls may be erected within any required yard. Where however, a fence or wall is being erected within a required yard, such fence or wall shall not exceed six (6) feet in height, except in the MU, LI, and HI Districts, where security fences may be up to ten (10) feet in height. Additional height may also be authorized by the Zoning Hearing Board or other provisions of this Ordinance. (See also Sub-Section 2 below.)
2. In no case shall a fence or wall be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in Section 504 C. below.

C. Obstructions to Vision at Street or Driveway Intersections

1. No fence, wall, sign or other structure shall be erected or altered and no hedge, shrub, tree, or other growth shall be located which may cause danger to traffic on a street or road by obscuring a driver's view at a street or driveway intersection.
2. At all street and/or driveway intersections, no obstruction or planting measuring higher than 30 inches or hanging lower than ten (10) feet above road grade shall be permitted within the clear sight triangle. A clear sight triangle shall be defined as that area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines. These distances shall be as follows:
 - a. For the intersection of two (2) streets, the distance from the intersection of the street centerlines shall be 75 feet.
 - b. For the intersection of a street and a driveway, the distance shall be 25 feet.

D. Maximum Building Coverage

The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the District Regulations, Article 3, for the district in which the lot is located.

E. Maximum Impervious Surface

The percentage of the lot covered by impervious surfaces, i.e. buildings, asphalt, concrete or similar materials, shall not be greater than is permitted in Article 3, the District Regulations, for the district in which the lot is located.

F. Erosion and Sedimentation Control

All erosion and sedimentation control requirements set forth in the applicable Subdivision and Land Development Ordinance or DEP, Title 25, Chapter 102, "Erosion Control", shall be met to the satisfaction of the Township Zoning Officer before the issuance of a Land Use Permit.

G. Drainage and Stormwater Management

All drainage and/or stormwater management standards set forth in the Wayne Township Subdivision and Land Development Ordinance and Act 1978-167, the PA Stormwater Management Act, shall be met to the satisfaction of the Township Zoning Officer before the issuance of a Land Use Permit. As per the requirements of Act 167, the post-development run-off rate of the site shall not exceed the tract's pre-development run-off rate.

H. Stripping of Topsoil and Excavation Operations

All such activities shall conform to the applicable regulations set forth by the PA Department of Environmental Protection and shall meet the following conditions.

1. All soil erosion and sedimentation control requirements established in Section 504 F. above shall be met.
2. No stripping or excavation operation shall be located closer than 50 feet to any property line, or stream, river, or other waterbody.

505 BUFFER YARDS

- A. Where a nonresidential use (commenced after the effective date of this Ordinance) abuts a Residential or Village Center District, a buffer yard of at least 50 feet in width shall be required, unless provided otherwise in Article 4, the Supplementary Use Regulations, of this Ordinance. Such buffer yard shall be a part of the nonresidential installation and shall be maintained by that property owner.
- B. Where any nonresidential use (commenced after the effective date of this Ordinance) abuts a stream, drainage channel, or delineated wetland area, a buffer yard of at least 50 feet in width shall be required. The yard shall be measured from the nearest edge of the stream, channel or wetland. For residential uses, a buffer of at least 25 feet shall be provided where such a use

abuts a stream, drainage channel or delineated wetland.

- C. Buffer yards required for residential uses shall be not less than 25 feet in width, unless provided otherwise in Article 4, the Supplementary Use Regulations, of this Ordinance.
- D. All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or trees. Where required within buffer yards, screening shall be accomplished as provided in Section 506 below.
- E. A buffer yard may be considered as part of the required yard space.
- F. No structure, storage of materials, or off-street parking and/or loading areas shall be permitted within a required buffer yard; however, access drives and utilities may cross such areas.

506 SCREENING

Where required, screening may be accomplished through the use of any one or combination of the following methods.

A. Screen Plantings

- 1. Screen planting may be required as provided in Article 4, the Supplementary Use Regulations, or where determined necessary by the Township Supervisors or Zoning Hearing Board, as appropriate, to serve as a barrier to visibility, glare, and/or noise between adjacent properties.
- 2. Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such species as will produce, in three (3) years, a complete visual screen six (6) feet in height and of such density as is necessary to achieve the intended purpose.
- 3. Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one (1) year.
- 4. Screen planting shall be placed so that, at maturity, it will be no closer than three (3) feet to any street or property line.
- 5. Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements. In accordance with the provisions of Section 504 C. however, a clear sight triangle must be maintained at all street intersections and where driveways or private accessways intersect public streets.

B. Fences or Walls

- 1. In lieu of, or in addition to screen planting as provided in Sub-Section A.

above, the Township Supervisors or Zoning Hearing Board, as appropriate, may consider the use of a fence or wall of a sufficient height as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.

2. Any fence or wall used for screening shall be maintained in a structurally sound condition by the lot owner.
3. The surface of any fence or wall facing the lot line shall be maintained for an attractive appearance.
4. Fences or walls used for screening shall meet the requirements set forth in Section 504 B. of this Ordinance.

C. Berms or Other Landforms

1. In lieu of, or in addition to screen plantings as provided in Sub-Section A. above, the Township Supervisors or Zoning Hearing Board, as appropriate, may consider the use of an earthen berm or other existing or proposed landform as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.
2. Any berm or landform used for screening shall be maintained in a satisfactory condition by the lot owner, and may not be altered except for usual maintenance.

ARTICLE 6

SUPPLEMENTARY FLOODPLAIN MANAGEMENT REGULATIONS

600 GENERAL PROVISIONS

A. Purpose

The purpose of these provisions is to:

1. promote the general health, welfare and safety of the community;
2. encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
3. minimize danger to public health by protecting water supply and natural drainage; and
4. reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

B. Compliance

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Ordinance, including Section 1202 pertaining to Land Use Permits, and any other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

C. Interpretation of District Boundaries

Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence if he so desires.

D. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. 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 districts, or that land uses permitted within such areas, will be free from flooding or flood damages.

601 BASIS FOR FLOODPLAIN DISTRICTS

A. Identification

The identified floodplain shall be those areas of Wayne Township which are subject to the 100 year flood, as identified in the Flood Insurance Study (FIS) dated May 1979, and the accompanying maps, prepared for the Township by the U.S. Department of Housing and Urban Development (DHUD) and/or the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

For the purposes of this Ordinance, the Floodway District and the Flood Fringe and General Floodplain Districts shall be overlays to the existing underlying districts as shown on the Township's Official Zoning Map. As such, the provisions for these districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

B. Description of Floodplain Areas

The identified floodplain shall consist of the following specific areas:

1. The Floodway District includes all those areas of the 100 year floodplain identified as "floodway" in the FIS prepared by DHUD and/or FEMA. The term shall also include those areas which have been identified as floodway in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.
2. The Flood Fringe District includes all the remaining portions of the 100 year floodplain where a floodway has been delineated in the FIS.

The basis for the outermost boundary of this District shall be the 100 year flood elevations as shown on the flood profiles contained in the FIS.

3. The General Floodplain District includes areas identified as Zone A in the FIS for which no 100 year flood elevations have been provided. When available, information from other Federal, State or other acceptable sources shall be used to determine the 100 year flood elevation, as well as a floodway area, if possible. When such other acceptable information is not available, the 100 year flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality 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 Township.

602 FLOOD DAMAGE CONTROL PROVISIONS

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction, development, and substantial improvement occurring in all designated Floodplain Districts.

A. General Technical Requirements

1. Within the identified floodplain areas, the development and/or use of land shall be permitted provided that such development or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in Wayne Township.
2. Within any floodway area, the following provisions shall apply:
 - a. No new construction, development, use, activity or encroachment shall be permitted that would cause any increase in 100 year flood heights.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.
3. Within any flood fringe or general floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top of the bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

B. Elevation and Floodproofing Requirements

1. Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure (including those structures which have been substantially damaged) shall have the lowest floor (including basement or cellar) elevated one and one-half (1 1/2) feet above the 100 year flood elevation.

2. Non-residential Structures.

- a. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure (including those structures which have been substantially damaged) shall have the lowest floor (including basement or cellar) elevated to or above the 100 year flood elevation, OR be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- b. Any non-residential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least one and one-half (1 1/2) feet above the 100 year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing 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.

3. Space Below the Lowest Floor.

- a. Fully Enclosed Spaces. Fully enclosed spaces below the lowest floor (including basement or cellar) are prohibited.
- b. Partially Enclosed Spaces. Partially enclosed space below the lowest floor which will be used solely for the parking of vehicles, building access, or incidental storage in an area other than a basement or cellar, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. (The term partially enclosed space also includes crawl spaces.)

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- 1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area;
- 2) The bottom of all openings shall be no higher than one (1) foot above grade; and
- 3) Openings may be equipped with screens, louvers, or other

coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Design and Construction Standards

The following minimum standards shall apply to all construction and development proposed within any identified floodplain area.

1. Fill. If fill is used, it shall:
 - a. extend laterally 15 feet beyond the building line from all points;
 - b. consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
 - c. be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
 - d. be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer;
 - e. be appropriately stabilized upon completion of compaction to avoid erosion and scouring of the fill material; and
 - f. be used only to the extent to which it does not adversely affect adjacent properties.

2. Special Requirements for Mobile Homes. For the purposes of this Ordinance, the term mobile home shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for more than 180 consecutive days.
 - a. Within any floodway area, all mobile homes shall be prohibited.
 - b. Within any flood fringe or general floodplain area, mobile homes shall be prohibited within the area measured 50 feet landward from the top of the bank of any watercourse.
 - c. Where permitted within any flood fringe or general floodplain area, all mobile homes and any improvements, including those units substantially damaged as a result of a flood, shall be:
 - 1) placed on a permanent foundation;
 - 2) elevated so that the lowest floor of the mobile home is one and one half (1 1/2) feet or more above the elevation of the 100 year flood; and

- 3) anchored to resist flotation, collapse, or lateral movement.
3. Placement of Buildings and Structures. All buildings and structures shall be designed, located and constructed on the lot 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 the flood water.
4. Anchoring.
 - a. All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement.
 - b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.
5. Floor, Walls and Ceilings. Where a structure is located at or below the 100 year flood elevation, the following standards shall apply:
 - a. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
 - b. Plywood and interior finished walls shall be of any "exterior" or "marine" grade and of a "water-resistant" variety.
 - c. Walls and ceilings shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
 - d. Windows, doors and other such components shall be made of metal or other "water-resistant" material.
6. Paints and Adhesives. Where a structure is located at or below the 100 year elevation, the following standards shall apply:
 - a. Paints or other finishes shall be of "marine" or other "water-resistant" quality.
 - b. Adhesives shall be of a "marine" or "water-resistant" variety.
 - c. All wooden components (doors, trim, cabinets, etc.) shall be finished or sealed with a "marine" or "water-resistant" paint or other finishing material.
7. Electrical Components.
 - a. Electric distribution panels shall be at least three (3) feet above the

100 year flood elevation.

- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
8. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the 100 year flood elevation.
9. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
10. Water and Sanitary Sewer Facilities and Systems.
 - a. All new or replacement water 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 system shall be located within any identified floodplain area 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.
11. Other Utilities. All other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
12. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the 100 year flood elevation.
13. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater 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.
14. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life (including but not limited to those identified in Section 606 A.) shall be stored at an elevation at or above the 100 year flood and/or be floodproofed to the maximum extent possible.

603 WATER MANAGEMENT USES

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers or bridges) may be permitted in any of the floodplain districts irrespective of the underlying zoning district, but shall be subject to approval by the Township Supervisors (following review by the Township Planning Commission) and the Pennsylvania Department of Environmental Protection. In addition, no alteration or relocation of a stream or watercourse may take place without the applicant having first obtained the necessary permit from the Department of Environmental Protection. Prior to any such alteration or relocation, adjacent communities, the PA Department of Community and Economic Development and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of any stream or watercourse.

604 EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure, or use of a structure or premises, which lawfully existed in any designated floodplain district before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures and/or uses located in the Floodway District shall not be expanded, but may be modified, altered, or repaired to incorporate floodproofing measures, provided that such measures do not increase the elevation of the 100 year flood.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to a cumulative extent or amount of 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.

605 SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES

- A. Accessory structures which are proposed to be located in the Flood Fringe or General Floodplain District need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements.
 - 1. 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.

2. The total floor area of all accessory structures located on any one (1) lot shall not exceed 600 square feet.
 3. The structure shall have a low damage potential.
 4. The structure shall be located on the site so as to cause the least obstruction to the flow of floodwaters.
 5. Power lines, wiring and outlets shall be at least one and one-half (1 1/2) feet above the 100 year flood elevation.
 6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. shall be prohibited.
 7. Sanitary facilities shall be prohibited.
 8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters 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 must meet or exceed the following minimum criteria:
 - a. a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
 - b. the bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- B. Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.
- C. The administrative procedures contained in Section 608 and other appropriate Sections of this Ordinance shall apply.

606 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. Hazardous Materials and Substances

In accordance with the PA Floodplain Management Act (Act 1978-166), and the regulations adopted by the PA Department of Community Affairs (now known as the PA 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 or 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.

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Floodproofing Requirements

1. Activities and development of the kind described in Sub-section A. above shall be prohibited in any identified Floodway area.
2. Where permitted within an identified Flood Fringe or General Floodplain area, any new or substantially improved structure of the kind described in Sub-Section A. above shall be:
 - a. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the 100 year flood; and
 - b. designed to prevent pollution from the structure or activity during the

course of a 100 year flood.

Any such structure, or part thereof, that will be built below the 100 year flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

3. In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.
4. Except for modification of the freeboard requirements involved, no variance shall be granted for any other requirements of this Section.

607 ACTIVITIES REQUIRING SPECIAL PERMITS

A. Identification of Activities Requiring a Special Permit

In accordance with the administrative regulations adopted by the PA Department of Community Affairs (now known as the Department of Community and Economic Development) to implement the PA Floodplain Management Act (Act 1978-166), the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township.

1. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure fused, or intended to be used, for any of the following activities:
 - a. hospitals
 - b. nursing homes
 - c. jails or prisons
2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

B. Application Requirements

Applicants for Special Permits shall provide five (5) copies of the following items:

1. A written request including a completed Land Use Permit application form.
2. A small scale map showing the vicinity in which the proposed site is

located.

3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
 - a. north arrow, scale and date;
 - b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing streets, drives, other accessways, and parking areas, with information concerning width, pavement types, and construction, and elevations;
 - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. the location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;
 - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. any other information which the municipality considers necessary for adequate review of the application.

4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at a suitable scale showing the following:
 - a. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - b. for any proposed building, the elevation of the lowest floor (including basement or cellar) and, as required, the elevation of any other floor;
 - c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100 year flood;
 - d. detailed information concerning any proposed floodproofing

measures;

- e. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
 - g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
- a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood;
 - c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life;
 - d. a statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows;
 - e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;
 - f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
 - g. 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;

- h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

C. Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures.

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment. The Township shall allow a period of 30 days for such reviews prior to taking action on the application.
2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
3. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Township.
6. If the Township does not receive any communication from the Department of Community and Economic Development during the 30 day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

D. Special Technical Requirements

In addition to any other applicable requirements, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provision shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - a. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - 1) the structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.
 - 2) the lowest floor elevation (including basement or cellar) will be at least one and one half (1 1/2) feet above the 100 year flood elevation.
 - 3) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
 - b. prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
2. All 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 Township and the Department of Community and Economic Development.
3. In approving any application for a Special Permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general public health, safety, and welfare.
4. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

608 ADMINISTRATION

A. Land Use Permit Requirements

To insure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvement within any designated floodplain area, including the use of fill, the applicant or developer shall obtain a Land Use Permit prior to commencement of any such activity. The Zoning Officer shall provide the applicant with information concerning the location of any floodplain district boundary relative to his proposed construction and the water surface elevation of the 100 year flood at the proposed construction site. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

1. 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;
2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. adequate drainage is provided so as to reduce exposure to flood hazards.

B. Application Requirements

The Zoning Officer shall require the following specific information, plus other pertinent information as may be required, to be included as part of an application for a Land Use Permit in order to make the above determination.

1. A completed Land Use Permit application form.
2. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - a. north arrow, scale and date;
 - b. topographic contour lines;
 - c. all property and lot lines, with bearing and distances, including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing or proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;
 - e. the location of all existing streets, drives, and other accessways; and,

- f. the location of all existing or proposed utilities, including sewer, water, electric, and natural gas lines;
 - g. the location of any existing bodies of water or water courses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures, and other improvements, drawn at a suitable scale showing the following:
- a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - b. the elevation of the 100 year flood;
 - c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a 100 year flood; and,
 - d. detailed information concerning any proposed floodproofing measures.
4. The following data and documentation:
- a. 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 100 year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development.

All plans and specifications for 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 standards contained in Section 602 of this Ordinance.

- b. detailed information needed to determine compliance with Section 602 C.14, Storage, and Section 606, Development Which May Endanger Human Life, including:
 - 1) the amount, location and purpose of any materials or substances referred to in Sections 602 C.14 and 606 which are intended to be used, produced, stored or otherwise maintained on site; and,
 - 2) 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 Section 606 during a 100 year flood.

- c. the appropriate component of the Department of Environmental Protection's Planning Module for Land Development.
- d. 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.

C. Review by the County Conservation District

A copy of all plans for proposed development in any identified floodplain area shall be submitted by the Zoning Officer to the County Conservation District for review and comment at least 30 days prior to the issuance of a Land Use Permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within the 30 days, the Zoning Officer may take action on the Permit.

D. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the Township Planning Commission, and, if requested by the Planning Commission, to the municipal engineer and/or any other appropriate agencies and/or individuals, for review and comment at least 30 days prior to the issuance of a Land Use Permit.

E. Issuance of Land Use Permits

Prior to the issuance of any Land Use Permits, the Zoning Officer shall review the application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the PA Sewage Facilities Act (Act 1966-537, as amended); the PA Dam Safety and Encroachments Act (Act 1978-325, as amended); the PA Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Land Use Permit shall be issued until this determination has been made.

609 VARIANCES IN FLOODPLAIN DISTRICTS

In passing upon applications for a variance within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance (including Section 1001 C.), state law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variances may not be granted for any construction, development, use, or activity within any floodway area that would result in any increase in flood levels during the 100 year flood.
- C. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Section 606, Development Which May Endanger Human Life, and to Section 607, Development Regulated by Special Permit.
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - 1. the granting of a variance may result in increased premiums for flood insurance, and
 - 2. such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - 1. that there is good and sufficient cause;
 - 2. that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. that granting of the variance will;
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances or regulations.

- H. Records of all variance requests and related actions, including their justification shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administrator.
- I. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

610 SPECIAL EXCEPTIONS IN FLOODPLAIN DISTRICTS

In passing upon applications for Special Exceptions within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance (including Section 1001 D.), and the following:

- A. the danger to life and property due to increased flood heights or velocities caused by encroachments. In the Floodway District, no Special Exception shall be granted which will cause any rise in the elevation of the 100 year flood;
- B. the danger that materials may be swept onto other lands or downstream causing injury to others;
- C. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- D. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- E. the importance of the services provided by the proposed facility to the community;
- F. the requirements of the facility for a waterfront location;
- G. the availability of alternate locations not subject to flooding for the proposed use;
- H. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- I. the safety of access to the property in times of flooding by ordinary and emergency vehicles;
- J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and,
- K. such other factors which are relevant to the purposes of this Ordinance.

ARTICLE 7

SIGN REGULATIONS

700 PURPOSE

In order that the legitimate demands for signage can be met without the unsightly intrusion of an unlimited number of signs of inappropriate size, dimension and location, any sign erected in Wayne Township after the effective date of this Ordinance shall conform to the following regulations.

701 TYPES OF SIGNS

Signage may include a variety of different types of signs, each with unique functions. The following list itemizes and defines the various signs considered under the provisions of this Article.

Awning/Canopy Signs: Signs that are mounted or painted on, or attached to, an awning or canopy of a business establishment; i.e. a business identification sign.

Billboards or Advertising Sign Boards: Signs or boards which direct motorists or pedestrians to a business establishment or call the attention of a motorist or pedestrian to a product, place, or activity that exists or occurs at a location other than the location upon which the board is erected; i.e. an off-premises sign. For the purposes of this Ordinance, billboards shall be free-standing structures, and shall not include wall or roof signs.

Business Identification Signs: Signs or boards that are directly oriented to activities that occur on the same premises as the sign or board; i.e. an on-premises sign. Such signs may be free-standing or may be attached to the wall or roof of a building, or attached to the awning or canopy of a business.

Directional Signs: Signs erected and maintained for the purpose of directing traffic to a particular destination, which does not contain any advertising or promotional information. Such signs may be either on-premises or off-premises signs.

Directory Signs: Free-standing signs used to identify business or industrial uses within a multi-tenant complex.

Free-Standing Signs: Self-supporting signs resting on the ground or supported by means of poles or standards placed in or on the ground. Such signs may advertise products or items offered for sale or that are directly related to the premises upon which they are located, e.g. business identification signs, or may advertise products or events located elsewhere, e.g. billboards or advertising sign boards.

Parallel Wall Signs: Wall signs which are fastened to or attached parallel to the face of their supporting wall. Such signs may not protrude more than 12 inches from the wall to which they are attached.

Portable Signs: Any sign which is not securely attached to the ground or a building or structure, regardless of its size or area.

Projecting Wall Signs: Wall signs which are wholly or partially dependent upon a building for support and which protrude from the building more than 12 inches in such a way that the sign has two (2) faces upon which information can be displayed; e.g. a sign which is perpendicular to its support wall.

Roof Signs: Signs that are mounted on the roof of a building and are wholly dependent upon a building for support. For the purposes of this Ordinance, a roof sign may advertise only those products or items offered for sale or directly related to the premises upon which they are located; i.e. business identification signs.

Temporary Signs: Promotional flags or pennants, temporary portable signs, temporary or seasonal business identification signs, political signs or other special promotional or advertising devices or banners, or temporary event signs intended to be erected for a limited period of time to call attention to a legally permissible special event.

Wall Signs (Parallel or Projecting): Signs attached to a wall or part of a wall of a building which advertise products sold or directly related to the premises upon which they are located, e.g. business identification signs. For purposes of this Ordinance, such signs shall not include billboards or advertising sign boards as defined above.

Window Signs: Signs which are applied or attached to the exterior or interior of a window, or which are located in such a manner within a building that they can be seen from the exterior of the building through a window which are intended to draw attention to a product, service or activity conducted on the premises.

702 GENERAL REGULATIONS

The following regulations shall apply to all permitted sign uses.

- A. A Land Use Permit shall be required for the placement, erection, or alteration of all permanent signs, except name plates or personal identification signs, property posting signs, real estate signs, and directional or public service signs. Applications for signs being erected on property other than that owned by the applicant shall include written permission from the affected property owner.
- B. Signs shall be constructed of durable materials, be maintained in good condition, and shall not be allowed to become dilapidated or endanger public health, safety or welfare. All signs shall be securely fastened in order to

prevent their displacement by the elements.

- C. For the purposes of this Ordinance, sign area shall be defined to include the entire face of a single side of a sign.
- D. No sign shall be placed within the clear sight triangle of any intersection as per the requirements of Section 504 C., nor at any other location that could obstruct or impair a motorist's clear vision. In addition, no sign (whether temporary or permanent) shall be located where it could be an impediment to pedestrian traffic.
- E. No sign, other than an official traffic sign, shall be erected within the right-of-way of any street, unless authorized by the Township Supervisors for a special purpose.
- F. No sign shall contain moving parts, nor use flashing or intermittent illumination, except for digital message boards. Illumination for signs shall be provided in a down-lit fashion and shall cause no glare or other disturbance which would be incompatible with the nature of the neighborhood where the sign is located.
- G. No sign shall be erected or maintained which could prevent free ingress or egress from any door, window, fire escape, or roof. No sign shall be attached to a standpipe or fire escape.
- H. All applicable State regulations shall be met where signs are proposed in areas adjacent to highways included in PADOT's Primary and Interstate Highway System. Any person desiring to erect a sign in these areas shall contact PADOT to determine if the state's regulations will effect his proposal. A copy of PADOT's determination, in writing, shall accompany all applications for signs in such areas.

703 SIGNS IN THE R-1 (Low Density Residential) AND R-2 (Moderate Density Residential) DISTRICTS

The following signs may be placed or located in the R-1 and R-2 Zoning Districts, subject to the specified requirements. (See also TABLE 1 at the end of this Article.)

A. General Signs (Free-Standing or Parallel Wall Signs)

No more than one (1) of any of the following non-illuminated types of signs may be permitted on a property at any one time (except property posting signs). Signs in the R-1 and R-2 Districts may be free-standing or may be parallel wall signs.

1. Property posting signs: Maximum size - 2 square feet.
2. Name plates or personal identification signs: Maximum size - 3 square feet.

3. Property sale and/or rental signs: Maximum size - 6 square feet.
4. Signs advertising the sale of farm or nursery products raised on the premises: Maximum size - 8 square feet.
5. Signs of mechanics, painters, or other artisans while performing work on the premises: Maximum size - 8 square feet.

B. Specific, Non-Commercial Signs (Free-standing Signs or Parallel Wall Signs)

No more than one (1) of any of the following non-illuminated or indirectly illuminated types of signs may be permitted on a property at any one time unless such property is situated on a corner and fronts on two (2) streets, in which case one (1) sign may be erected on each frontage. Signs in the R-1 and R-2 Districts may be free-standing or may be parallel wall signs.

1. Home occupation signs bearing the name and occupation of the practitioner: Maximum size - 6 square feet.
2. Signs directing individuals to the location of service clubs or other non-profit organizations: Maximum size - 8 square feet.
3. Signs of schools, churches, hospitals, governments, cultural facilities, and similar institutional uses: Maximum size - 32 square feet.
4. Residential development identification signs erected and maintained on the site of the development by the developer, builder or lot owners: Maximum size - 32 square feet; with no commercial advertising.

C. Location

1. The main supporting structure(s) of all free-standing general and specific, non-commercial signs shall be located no closer to a street right-of-way than five (5) feet or a distance equalling the height of the sign, whichever is greater, except as may be approved otherwise by PADOT or Wayne Township officials, as applicable.
2. No sign shall be closer than three (3) feet to any side or rear property line.

D. Height

1. No free-standing sign in the R-1 or R-2 District shall exceed eight (8) feet in height above the average finished grade of the proposed sign site.
2. No portion of a wall sign shall extend above the height of the wall to which it is attached.

704 SIGNS IN THE MU (Mixed Use) AND VC (Village Center) DISTRICTS

The following signs may be placed or located in the MU and VC Zoning District, subject to the specified requirements. (See also TABLE 1 at the end of this Article.)

A. General and Specific, Non-Commercial Signs

Those signs permitted in Sections 703 A. & B., General and Specific, Non-Commercial Signs in the R-1 and R-2 Districts, may also be permitted in the MU and VC Districts.

B. Business Identification Signs (Free-Standing Signs, or Parallel or Projecting Wall Signs)

Where proposed in conjunction with a permissible commercial use or activity in the MU or VC District, business identification signs may be erected, subject to the following requirements.

1. No more than one (1) non-illuminated or indirectly illuminated free-standing business identification sign **AND** one (1) non-illuminated or indirectly illuminated parallel or projecting business identification wall sign may be erected and maintained on a lot in these zones, unless such property is situated on a corner or fronts two (2) streets, in which case, one (1) business identification wall sign may be permitted for each frontage.
2. In the MU and VC Districts, no single free-standing or parallel wall sign shall exceed 32 square feet in area and projecting wall signs shall be no larger than 24 square feet. On a corner lot however, where one (1) wall sign is proposed for each frontage, the total sign area of all wall signs shall not exceed 50 square feet.
3. Projecting wall signs in the MU and VC Districts shall not project more than six (6) feet from the surface of the building to which they are attached.
4. Directory signs in the MU and VC Districts shall not exceed 100 square feet. There shall be no more than one (1) directory sign used per complex. Within the complex where a directory sign is used, individual business identification signs shall be limited to wall signs with a maximum area of 32 square feet per business or use.

C. Location

Permitted signs in the MU and VC Districts may be placed within any required front yard, but only in accordance with the following standards.

1. The main supporting structure(s) of all free-standing general and specific,

non-commercial signs shall be located no closer to a street right-of-way than five (5) feet or a distance equalling the height of the sign, whichever is greater, except as may be approved otherwise by PADOT or Wayne Township officials, as applicable. No sign shall be closer than three (3) feet to any side or rear property line.

2. Free-standing business identification signs shall be set back a minimum of 15 feet from the edge of any adjoining street right-of-way.
3. Free-standing directory signs shall be set back a minimum of 20 feet from the edge of the adjoining street right-of-way.

D. Height

Permitted signs in the MU and VC Districts shall meet the following height criteria.

1. Free-standing general or specific, non-commercial signs shall not exceed eight (8) feet in height above the average finished grade of the proposed sign site.
2. Free-standing business identification sign shall not exceed 15 feet in height above the average finished grade of the proposed sign site.
3. Free-standing directory signs shall not exceed 20 feet in height above the average finished grade of the proposed sign site.
4. No portion of a wall sign (parallel or projecting) shall extend above the height of the wall to which it is attached.

705 SIGNS IN THE HI (Highway Interchange) AND LI (Light Industrial) DISTRICTS

The following signs may be placed or located in the HI and LI Zoning Districts, subject to the specified requirements. (See also TABLE 1 at the end of this Article.)

A. General and Specific, Non-Commercial Signs

Those signs permitted in Sections 703 A. & B., General and Specific, Non-Commercial Signs in the R-1 and R-2 Districts, may also be permitted in the HI and LI Districts.

B. Business Identification Signs (Free-Standing Signs, Parallel or Projecting Wall Signs, Roof Signs, or Awning Signs)

Where proposed in conjunction with a permissible commercial use or industrial activity in the HI and LI Districts, business identification signs may be erected subject to the following requirements.

1. Free-Standing Signs.
 - a. No more than one (1) non-illuminated, indirectly illuminated or directly illuminated business identification sign may be erected and maintained on a lot in these zones, unless such property is situated on a corner or fronts two (2) streets, in which case, one (1) such free-standing business identification sign may be permitted for each frontage.
 - b. No single free-standing business identification sign shall exceed 80 square feet in area.
2. Wall Signs (Parallel or Projecting) or Awning Signs.
 - a. No more than one (1) non-illuminated, indirectly illuminated, or directly illuminated business identification wall sign may be erected and maintained on a lot in these zones, unless such property is situated on a corner or fronts two (2) streets, in which case, one (1) such business identification wall sign may be permitted for each frontage.
 - b. No single parallel wall sign shall exceed 50 square feet in area, and no projecting wall sign or awning sign shall exceed 32 square feet in area.
 - c. Projecting wall signs shall not project more than six (6) feet from the surface of the building to which they are attached.
3. Roof Signs.
 - a. No more than one (1) business identification roof sign may be erected and maintained per commercial or industrial establishment.
 - b. Business identification roof signs shall not exceed 80 square feet in area.
4. Business or Industrial Complex Directory Signs.
 - a. No more than one (1) directory sign may be erected and maintained per complex.
 - b. Directory signs shall not exceed 150 square feet in area.
 - c. Within a business or industrial complex where a directory sign is used, individual business identification wall and/or awning signs may also be affixed to each business, but may not exceed 32 square feet in area per business or use. No individual free-standing or roof-mounted business identification signs shall be permitted in such complexes.

C. Billboards or Advertising Sign Boards (Free-Standing Signs)

Billboards or advertising sign boards may be erected and maintained on a property in the HI or LI District in accordance with the following requirements. (In addition, all applicable State regulations, shall be met prior to initiation or erection of such signage.)

1. No more than one (1) non-illuminated, indirectly illuminated, or directly illuminated billboard or advertising sign board may be erected and maintained on a lot in either of these zones. For the purposes of this Ordinance, such signs may be free-standing signs only.
2. Billboards or advertising sign boards shall not exceed 300 square feet in area.
3. Billboards or advertising sign boards may be double-faced, but may not be doubled vertically or horizontally.
4. Billboards or advertising sign boards shall be located no closer than 500 feet (measured on the same side of the street) to any other such sign.

D. Location

Permitted signs in the HI and LI Districts may be placed within any required front yard, but only in accordance with the following standards.

1. The main supporting structure(s) of all free-standing general and specific, non-commercial signs shall be located no closer to a street right-of-way than five (5) feet or a distance equalling the height of the sign, whichever is greater, except as may be approved otherwise by PADOT or Wayne Township officials, as applicable. No sign shall be closer than three (3) feet to any side or rear property line.
2. Free-standing business identification signs shall be set back a minimum of 15 feet from the edge of any adjoining street right-of-way.
3. Free-standing directory signs shall be set back a minimum of 20 feet from the edge of the adjoining street right-of-way.
4. Billboards or advertising sign boards shall be setback a distance of 25 feet from the edge of the adjoining street right-of-way.

E. Height

Permitted signs in the HI and LI Districts shall meet the following height criteria.

1. Free-standing general or specific, non-commercial signs shall not exceed eight (8) feet in height above the average finished grade of the proposed

sign site.

2. Free-standing business identification sign shall not exceed 15 feet in height above the average finished grade of the proposed sign site.
3. No portion of a wall sign (parallel or projecting) shall extend above the height of the wall to which it is attached.
4. Free-standing directory signs shall not exceed 20 feet in height above the average finished grade of the proposed sign site.
5. Free-standing billboards or advertising sign boards shall not exceed 35 feet in height above the average grade of the sign site in the Highway Interchange Zone nor more than 45 feet in height above the sign site's average grade in the Light Industrial District.
6. Roof signs shall not extend more than five (5) feet above the highest point of the roof to which they are attached; however, in no case shall the total height of such signs exceed 35 feet above the average grade of the site in the Highway Interchange Zone nor more than 45 feet in the Light Industrial District.

706 SIGNS IN THE A (Agricultural) and O/R (Open Space/Recreation) DISTRICTS

The following signs may be placed or located in the A and O/R Zoning Districts, subject to the specified requirements. (See also TABLE 1 at the end of this Article.)

A. General and Specific, Non-Commercial Signs

Those signs permitted in Sections 703 A. & B., General and Specific, Non-Commercial Signs in the R-1 and R-2 Districts may also be permitted in the A and O/R Districts.

B. Business Identification Signs (Free-Standing Signs or Parallel Wall Signs)

Where proposed in conjunction with a permissible commercial use or activity in the A or O/R District, business identification signs may be erected subject to the following requirements.

1. No more than one (1) non-illuminated or indirectly illuminated free-standing business identification sign or one (1) non-illuminated or indirectly illuminated parallel wall sign, may be erected and maintained on a lot in these zones.
2. Free-standing business identification signs shall not exceed 32 square feet in area.
3. Parallel wall signs shall not exceed 32 square feet in area.

C. Location

Permitted signs in the A and O/R Zoning Districts may be placed within any required front yard, but only in accordance with the following standards.

1. The main supporting structure(s) of all free-standing general and specific, non-commercial signs shall be located no closer to a street right-of-way than five (5) feet or a distance equalling the height of the sign, whichever is greater, except as may be approved otherwise by PADOT or Wayne Township officials, as applicable. No sign shall be closer than three (3) feet to any side or rear property line.
2. Free-standing business identification signs shall be set back a minimum of 15 feet from the edge of any adjoining street right-of-way.

D. Height

Permitted signs in the A and O/R Districts shall meet the following height criteria.

1. Free-standing general or specific, non-commercial signs shall not exceed eight (8) feet in height above the average finished grade of the proposed sign site.
2. Free-standing business identification sign shall not exceed 12 feet in height above the average finished grade of the proposed sign site.
3. No portion of a wall sign shall extend above the height of the wall to which it is attached.

707 SIGNS IN THE FF (FLOOD FRINGE) AND FP (GENERAL FLOODPLAIN) DISTRICTS (Overlying Districts)

Those signs permitted to be placed or erected in the FF and FP Zoning Districts shall be the same as the signs permitted in the underlying district, except that no sign may impede natural drainage of the flow of water. (See also TABLE 1 at the end of this Article.)

708 SIGNS IN THE FW (FLOODWAY) DISTRICT (Overlying District)

No signs, except property posting signs with a maximum size of 2 square feet, shall be permitted in the FW District, except as might be necessary by Federal, State or local governments to protect the health, safety and welfare of the people. If such signs are necessary, they shall be designed and placed so as not to impede the natural drainage or flow of water.

TABLE 1
SIGN REGULATIONS

| SIGN TYPE | ZONING DISTRICTS | | | | | |
|-------------------------|---|------------|------------|------------|------------|----------|
| | R-1 & R-2 | MJ & VC | HI & LI | A & O/R | FF & FP | FW |
| I. GENERAL SIGNS | | | | | | |
| A. Maximum Size | varies | varies | varies | varies | varies | 2 sq.ft. |
| B. Minimum Setback | ----- Distance equal to sign height or 5 ft. from R/W ----- | | | | | NA |
| C. Maximum Height | ----- 8 ft. above average grade of site ----- | | | | | NA |

II. BUSINESS IDENTIFICATION SIGNS (On-Premises Signs)

A. Freestanding Signs

| | | | | | | |
|--------------------|-----|-----------------------------|-----------|-----------|-----|-----|
| 1. Maximum Size | --- | 32 sq.ft. | 80 sq.ft. | 32 sq.ft. | --- | --- |
| 2. Minimum Setback | --- | ----- 15 ft. from R/W ----- | | | --- | --- |
| 3. Maximum Height | --- | 15 ft. | 15 ft. | 12 ft. | --- | --- |

B. Parallel Wall Signs

| | | | | | | |
|-------------------|-------|-----------|-------------------------------|-----------|-----|-----|
| 1. Maximum Size | --- | 32 sq.ft. | 50 sq.ft. | 32 sq.ft. | --- | --- |
| 2. Maximum Height | ----- | ----- | top of wall to which attached | ----- | --- | --- |

C. Projecting Wall Signs

| | | | | | | |
|-----------------------|-----|-----------|-------------------------------|-----|-----|-----|
| 1. Maximum Size | --- | 24 sq.ft. | 32 sq.ft. | --- | --- | --- |
| 2. Maximum Height | --- | --- | top of wall to which attached | --- | --- | --- |
| 3. Maximum Projection | --- | 6 ft. | 6 ft. | --- | --- | --- |

(Continued on Next Page)

TABLE 1 (Continued)

SIGN TYPE

ZONING DISTRICTS

| | R-1 & R-2 | MU & VC | HI & LI | A & O/R | FF & FP | FU |
|--|-----------|---------|---------|---------|---------|----|
|--|-----------|---------|---------|---------|---------|----|

D. Roof Signs

| | | | | | | |
|-------------------------|-----|-----|--|-----|-----|-----|
| 1. Maximum Size | --- | --- | 80 sq.ft. | --- | --- | --- |
| 2. Maximum Height | --- | --- | 5 ft. above roof's highest point & no greater than 35 ft.- HI & 45 ft.- LI | --- | --- | --- |
| 3. Total Number Per Lot | --- | --- | 1 | --- | --- | --- |

E. Directory Signs

| | | | | | | |
|-------------------------|-----|------------|-----------------|-----|-----|-----|
| 1. Maximum Size | --- | 100 sq.ft. | 150 sq.ft. | --- | --- | --- |
| 2. Minimum Setback | --- | --- | 20 ft. from R/W | --- | --- | --- |
| 3. Maximum Height | --- | 20 ft. | 20 ft. | --- | --- | --- |
| 4. Total Number Per Lot | --- | 1 | 1 | --- | --- | --- |

III. BILLBOARDS OR ADVERTISING SIGN BOARDS (Off-Premises Signs)
(Free-standing Signs Only)

| | | | | | | |
|-------------------------|-----|-----|-------------------------|-----|-----|-----|
| A. Maximum Size | --- | --- | 300 sq.ft. | --- | --- | --- |
| B. Minimum Setback | --- | --- | 25 ft. from R/W | --- | --- | --- |
| C. Maximum Height | --- | --- | 35 ft.- HI & 45 ft.- LI | --- | --- | --- |
| D. Total Number Per Lot | --- | --- | 1 | --- | --- | --- |

ARTICLE 8

OFF-STREET PARKING, LOADING & ACCESS DRIVES

800 OFF-STREET PARKING REQUIREMENTS

In all districts, in accordance with every use, there shall be provided at the time any new building or structure is erected or any existing building is converted to a new use, or increased in capacity, off-street parking spaces in accordance with the requirements of this Section. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which they are provided.

- A. All vehicle parking spaces shall contain a minimum of 180 square feet of usable area and shall have a width of not less than nine (9) feet.
- B. All off-street parking spaces and parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable, dustless all-weather wearing surface. Parking areas shall have a minimum slope of one percent (1%) in any direction to provide for drainage, and a maximum slope of five percent (5%) in any direction to adequately provide for safety, user convenience, and stormwater control.
- C. All parking areas shall be designed to provide for the orderly and safe parking or storage of vehicles, shall be clearly marked to facilitate movement and efficiency of use, and shall be maintained in good condition by the developer/owner. In addition, parking areas shall meet all Americans with Disabilities Act (ADA) requirements. There shall be no motor vehicle repair work of any kind, except for emergency service, conducted within any parking areas.
- D. Off-street parking spaces for residential uses shall be located on the same lot as the dwelling unit(s) being served, either inside or outside of a building. Off-street parking for nonresidential uses may be located on a lot other than that containing the principal use, but shall be situated within 300 feet of the use being served. Such remote parking shall however remain under the control and care of the owner or operator of the use to which it is accessory and applications involving such parking areas shall include documentation which authorizes the use of said area for parking in connection with the proposed use.
- E. Required parking spaces for any number of separate uses may be combined in one lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except that parking spaces required for uses whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and/or on Sundays, upon recommendation of the Township Planning Commission. Any applicant proposing to jointly use

parking facilities with another use shall submit documentation to prove such use will be non-concurrent.

- F. *In new development*, access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street or alley upon which the parking area abuts be permitted, except where the depth of the parking area is less than 35 feet. Parking areas shall also be designed so there will be no need for motorists to back over public walkways, streets or alleys.
- G. Parking areas for all non-residential areas shall be effectively screened on each side that abuts a Residential District or use. Screening shall consist of a solid fence or wall at least six (6) feet in height; a building; or shall meet the requirements for screen plantings set forth in Section 506 of this Ordinance.
- H. No off-street parking spaces or parking areas shall extend into any required buffer yard.
- I. All lighting which is used to illuminate off-street parking areas shall be provided in a "down-lit" fashion and shall cause no glare or other disturbance which could create safety problems for motorists on public streets or for adjoining property owners. Lighting standards in parking areas shall not exceed 20 feet in height.
- J. Off-street parking shall be provided as set forth in TABLE 2 below. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses or multiple uses of one building, the total number of required parking spaces shall be the sum of the required spaces for the various uses computed separately.

Where a proposed use in the Village Center District can not meet the off-street parking requirements set forth in TABLE 2 on an existing nonconforming lot, the Township Planning Commission shall review the proposal and recommend an acceptable number of spaces to the Township Supervisors who shall ultimately determine the number of spaces that must be provided.

TABLE 2
OFF-STREET PARKING SCHEDULE

| <u>USE CLASSIFICATION</u> | <u>SPACES REQUIRED</u> |
|---|---|
| A. <u>Residential Uses</u> | |
| 1. Residential dwelling units. | 2 for each dwelling unit. |
| 2. Mobile home parks. | 2 for each mobile home lot. |
| B. <u>Institutional Uses</u> | |
| 3. Day care facilities. | |
| a. Day care centers or group day care homes. | 1 for each 6 students/clients + 1 for each employee. |
| b. Family day care homes. | 2 for the dwelling unit + 2 customer spaces. |
| 4. Schools. (Public or private) | |
| a. Elementary schools. | 5 for each classroom + 1 for each employee in the maximum work shift. |
| b. Middle or high schools or post-secondary education facilities. | 1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater + 1 for each employee in the maximum work shift. |
| 5. Places of public or private assembly, such as churches, social halls, theaters and similar facilities. | |
| a. New construction on undeveloped sites. | 1 for each 3 seats of total facility capacity. |
| b. Renovation or expansion of existing facilities. | As much additional off-street parking as possible. |
| 6. Public service or non-profit facilities not primarily intended for public assembly, | |

USE CLASSIFICATION

such as police or fire stations, and similar facilities.

- a. New construction on undeveloped sites.
- b. Renovation or expansion of existing facilities.
- 7. Nursing or personal care homes; or hospitals.
- 8. Group homes or institutional residences.
- 9. Correctional institutions.

C. Commercial/Retail Uses

- 10. Home occupations.
- 11. Bed & breakfast establishments.
- 12. Retail stores or business establishments, except as provided below.
- 13. General stores or convenience markets.
- 14. Restaurants; clubs or fraternal organization facilities; public entertainment facilities.
- 15. Shopping centers.
- 16. Professional business offices; medical, dental or veterinary clinics.

SPACES REQUIRED

- 1 for each 400 sq.ft. of gross floor area.
- As much additional off-street parking as possible.
- 1 for each 4 beds + 1 for each employee in the maximum work shift.
- 1 for each 2 residents + 1 for each employee in the maximum work shift.
- 1 for each 5 persons of total facility capacity + 1 for each employee in the maximum work shift.
- 2 for the dwelling unit + 2 customer/employee spaces.
- 2 for the dwelling unit, where applicable, + 1 for each guest room.
- 1 for each 300 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
- 1 for each 200 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
- 1 for each 100 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
- 1 for each 350 sq.ft. of gross floor area.
- 5 for each service provider + 1 for each employee.

USE CLASSIFICATION

SPACES REQUIRED

| | |
|--|--|
| 17. Hotels, motels & similar lodging facilities. | 1 for each guest room + 1 for each employee in the maximum work shift. |
| 18. Public or adult entertainment facilities. | 1 for each 3 persons of total facility capacity + 1 for each employee in the maximum work shift. |
| 19. Funeral homes. | 1 for each 50 sq.ft. of assembly area, with a minimum of 12 spaces + 1 for each employee. |
| D. <u>Industrial Uses</u> | |
| 20. Manufacturing or industrial operations; warehousing or storage facilities. | 1.25 for each employee in the maximum work shift + 5 visitor spaces. |
| 21. Truck terminals. | 1 for each 500 sq.ft. of gross floor area + 1 for each employee in the maximum work shift. |
| 22. Mineral extraction operations; sanitary landfills; demolition sites. | 1 for each employee in the maximum work shift + 3 visitor spaces. |
| 23. Junk yards or salvage operations. | See current Township Junk Yard Ordinance. |
| E. <u>Recreational Uses</u> | |
| 24. Parks & recreation areas. playgrounds. | 1 for each 5 persons of total facility capacity. |
| 25. Commercial outdoor recreation facilities; cottage developments. | 1 for each 3 persons of total facility capacity + 1 for each employee in the maximum work shift. |
| 26. Campgrounds or RV parks. | 1 for each campsite + 1 additional space for every 5 campsites. |
| 27. Seasonal dwellings; camps or lodges. | 2 for each seasonal unit. |

801 OFF-STREET LOADING REQUIREMENTS

One (1) off-street loading space or berth shall be provided in connection with every commercial, industrial, or institutional building or structure proposed to contain a minimum gross floor area of 6,000 square feet which requires the delivery or shipment of merchandise or materials. Such accommodations shall meet the following requirements.

- A. All off-street loading spaces shall be of sufficient size to adequately accommodate the use being served and shall be located entirely on the subject lot. Where possible, they shall be designed so that there will be no need for drivers to back over public walkways, streets, or alleys.
- B. No off-street loading space, berth, or dock may extend into any required buffer yard or setback area.
- C. All off-street loading spaces shall be graded for proper drainage and shall be designed and constructed in accordance with the standards established in Section 800 B. for parking areas.
- D. All lighting used to illuminate off-street loading spaces shall be provided in a "down-lit" fashion and shall cause no glare or other disturbance which could create safety problems for motorists on public streets or for adjoining property owners.
- E. All off-street loading areas shall be effectively screened on each side that abuts a Residential District or use. Screening shall consist of a solid fence or wall at least six (6) feet in height; a building; or shall meet the requirements for screen plantings set forth in Section 506 of this Ordinance.

802 DRIVEWAY AND ACCESS DRIVE REQUIREMENTS

To minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access, the following standards shall apply to the construction or creation of all new driveways and access drives.

- A. Every building or lot shall have access to a public street or an approved private street. Where possible, residential lots shall access onto a local street rather than a collector road or arterial highway. Access onto roadways shall require a Driveway or Highway Occupancy Permit in accordance with Township Driveway requirements or PADOT standards, as applicable.
- B. All new driveways, streets or access drives proposed for construction shall adhere to the sight distance requirements set forth in Section 504 C. of this Ordinance.
- C. Lots with less than 100 feet of road frontage shall be limited to one (1) drive

or point of intersection and lots with 100 feet or more of road frontage shall be limited to two (2) drives or intersection points. In the case of corner lots, one (1) driveway intersection may be permitted for each frontage.

- D. A common driveway serving two (2) or more adjoining residential lots may be permitted, provided that the lot owners involved submit to the Township a mutually acknowledged agreement subjecting said lots to such use. Where however, a number of individual parcels or buildings are being developed jointly for non-residential use, the location and planning of driveways or access drive intersections shall the require the joint use of such facilities where possible as a means of minimizing the overall number of intersections created.
- E. Driveway and access drive intersections should be located where street alignments and profiles are favorable, where there are no sharp curves or steep grades, and where sight distance related to the driveway is sufficient to avoid creating hazardous traffic conditions.
- F. Drives or accessways providing internal circulation in parking lots shall be grade to provide proper drainage, be surfaced so as to provide a durable, dustless all-weather wearing surface, and be maintained in good condition by the developer/owner. Such interior drives shall have a maximum grade of six percent (6%).
- G. Driveways and access drives shall be designed and constructed in such manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by the appropriate Township official(s), a drainage pipe shall be installed under the driveway or access drive by the property owner. The length and diameter of such pipe shall be as established and approved by the Township.

ARTICLE 9

NONCONFORMITIES

900 NONCONFORMING USES AND STRUCTURES

Any nonconforming use or structure legally existing at the time of adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as may be provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned. (See Section 901 for nonconforming lots.)

A. General Application of Provisions

Nothing contained herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a Land Use Permit was granted and/or where the construction shall have started before the date of adoption of this Ordinance or applicable amendment thereto.

B. Abandonment

If any nonconforming use, or building or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building, structure or land shall be in conformity with the District Regulations of this Ordinance. A nonconforming use shall be judged to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

C. Repairs, Alterations, Replacement, and Reconstruction

1. Exterior repairs, non-structural alterations, structural alterations not increasing the gross floor area of the building or structure, and other general maintenance adjustments may be made to a nonconforming building or structure, or a building or structure occupied by a nonconforming use, but such repairs and adjustments shall be subject to all applicable Land Use Permit requirements. (See Section 1202.)
2. Any mobile home which was nonconforming at the time of adoption of this Ordinance or which becomes nonconforming by a subsequent change or amendment to the Ordinance (excluding those units situated in an existing mobile home park) may be replaced with a unit of the same or larger size provided that:

- a. all dimensional and off-street parking requirements of this Ordinance are met;
 - b. all foundation and anchoring requirements set forth in Section 403 of this Ordinance are met; and
 - c. all required permits are obtained.
3. A nonconforming building or structure, or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood or other natural causes may be reconstructed, restored and used as before provided that:
- a. said reconstruction commences within one (1) year of the damage;
 - b. said reconstruction shall not exceed the size, bulk, height and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
 - c. the location of such reconstruction does not create a safety hazard;
 - d. where the nonconformity is located in a Flood Fringe or General Floodplain District, the new construction shall comply, to the greatest extent possible, with all of the floodproofing requirements contained in Section 602 of this Ordinance; and,
 - e. where the nonconformity is located in a Floodway District, such nonconformity may only be reconstructed, replaced and used as before provided that:
 - 1) the property owner does not own adjoining land located outside of the Floodway District;
 - 2) the reconstruction will not cause a rise in the 100 year flood elevation; and
 - 3) the reconstruction will be floodproofed in accordance with the requirements contained in Section 602 of this Ordinance.

D. Extensions and Enlargements

1. Exterior structural alterations may be made to extend or enlarge a nonconforming building or structure, or a building or structure occupied by a nonconforming use, except in the Floodway District. Such extension or enlargement shall however be subject to all applicable Land Use Permit requirements (See Section 1202) and may only be authorized where:
 - a. the extension or enlargement does not extend the structure or use

beyond the remainder of the lot or parcel as it existed at the effective date of this Ordinance, nor extend the structure or use by an aggregate total of more than 50% of the gross floor area occupied by the use at the effective date of this Ordinance;

- b. the extension or enlargement conforms to the yard and height requirements of the district in which it is located; and
 - c. in the case of a nonconforming use, the extension or enlargement is attached or contiguous to the existing nonconforming use.
2. For nonconforming uses whose normal operations involve land area expansion (i.e. quarries, cemeteries, junk yards, or similar uses), expansion shall be permitted by right up to 50% of the volume or area of the nonconformity which existed at the effective date of this Ordinance. For expansion beyond 50%, approval must be obtained from the Zoning Hearing Board.
 3. Any nonconforming building or structure, or building or structure occupied by a nonconforming use, which is moved for any reason shall meet all requirements of the district in which it is to be located.

E. Change of Use

1. A nonconforming use of a building, structure or land may be changed to a nonconforming use of the same or a more restricted classification, subject to the following conditions.
 - a. The Zoning Hearing Board shall approve all such changes; and
 - b. The applicant shall show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:
 - 1) traffic generation and congestion, including truck, passenger car and pedestrian traffic;
 - 2) noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;
 - 3) outside, unenclosed storage and waste collection and disposal; and
 - 4) appearance, character and nature of the neighborhood.

In reviewing requests for change of use, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable safeguards and conditions as they deem

appropriate to implement the purposes of this Ordinance.

2. Whenever a nonconforming use has been changed to a conforming use such use shall not thereafter be changed back to a nonconforming use.

F. Application to Agricultural Structures

The regulations governing nonconformities set forth in this Section shall not apply to agricultural structures when such structures are part of an active agricultural operation or use. An active farm situated in a zone where agricultural activities become nonconforming as a result of adoption of this Ordinance shall also be exempt from these provisions. It is not the intent of these regulations to create hardships for ongoing agricultural activities.

G. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming uses or structures, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the effective date of this Ordinance.

901 NONCONFORMING LOTS

Any nonconforming lot legally existing at the time of the adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

A. Discontinuance/Lot Changes

Any nonconforming lot which is discontinued or becomes conforming through its addition to adjacent land, shall not hereafter be changed back to a nonconforming lot.

B. Existing Lots of Record

In the case of a lot of record which existed at the effective date of this Ordinance which does not meet the minimum area requirements for the district in which it is located, a permitted structure may be placed on the parcel provided that:

1. the owner does not own adjoining land which could be combined to form a conforming lot;

2. each side yard is not less than five (5) feet when adjoining another lot, and ten (10) feet when adjacent to a street or alley;
3. the rear yard is not less than ten (10) feet;
4. the front yard conforms to the minimum distance required;
5. where needed, the site has an approved sewage disposal system or an appropriate sewage permit; and
6. provided that the site and its intended use complies with all other applicable provisions of this Ordinance.

C. Delinquent Properties

If the Township or County acquires title to any property by reason of tax delinquency, and such property is not redeemed and is sold as provided by law, the future use of such property shall be in accordance with all provisions of this Ordinance.

D. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming lots, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the effective date of this Ordinance.

ARTICLE 10

RESPONSIBILITIES OF THE ZONING HEARING BOARD

1000 ORGANIZATION AND PROCEDURE

A. Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board is hereby established in Wayne Township.

B. Appointment and Membership

The Zoning Hearing Board shall consist of three (3) residents of Wayne Township to be appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality.

The Township Supervisors may also appoint, by Resolution, two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. For each case, the Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority. Alternates shall hold no other office in the municipality.

A Zoning Hearing Board member may be removed by majority vote of the appointing authority for just cause only after the member has received 15 days' advance notice of the Township's intent to take such a vote. A Hearing shall be held in connection with the vote if requested in writing by the member.

C. Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

D. General Grant of Power

The Zoning Hearing Board shall perform all the duties and have the powers prescribed by the Pennsylvania Municipalities Planning Code, as amended, and as herein described.

1001 POWERS AND DUTIES

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of the PA Municipalities Planning Code, as amended, and shall have the following powers.

A. To Hear and Decide Appeals

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
2. The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in the PA Municipalities Planning Code.
3. The Zoning Hearing Board shall hear and decide appeals from a determination by the Zoning Officer or municipal engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
4. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer, any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

B. To Hear and Decide Challenges to the Validity of any Land Use Ordinance

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the governing body pursuant to the PA Municipalities Planning Code, as amended.
2. The Zoning Hearing Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.

The Board's decision to approve a variance request shall be made only after public notice and hearing. (See Section 1002.) (See also Section 609 for additional information regarding variances in Floodplain Districts and Appendix A for an illustration of the variance procedure.)

No variance in the strict application of any provisions of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

1. 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;
2. 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.
3. that such unnecessary hardship has not been created by the appellant;
4. that the variance, if authorized, 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; and,
5. that the variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

D. To Hear and Decide Requests for Special Exceptions

The Zoning Hearing Board may grant Special Exceptions only for such uses as are provided for in Article 3, the District Regulations, and pursuant to express standards and criteria outlined in Article 4. The Board's decision to approve a Special Exception shall be made only after public notice and public hearing. (See Section 1002.) Such approval shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception request. (See Section 610 for additional information regarding Special Exceptions in Floodplain Districts and Appendix B for a chart illustrating the Special Exception procedure.)

No application for a Special Exception shall be granted by the Zoning Hearing Board until said Board has first received and considered an advisory report thereon from the Township Planning Commission. The Planning Commission shall have 30 days from the date of its receipt of the application from the Zoning Hearing Board within which to file its report. In the event that it fails to file its report within 30 days, such application shall be deemed to have been approved by the Planning Commission. The Commission may have representation at the Hearing held by the Zoning Hearing Board on such application.

In reviewing applications for Special Exceptions, the Zoning Hearing Board shall take into account the comments received from the Township Planning Commission and the following requirements, in addition to those found in Article 4, and in other applicable sections of this Ordinance.

1. that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;
2. that the use will not cause substantial injury to the value of other property in the neighborhood where the use is to be located;
3. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
4. that adequate landscaping and screening is provided as required herein;
5. that adequate off-street parking and loading is provided, and ingress and egress is designed to cause minimum interference with traffic on abutting streets; and,
6. that the use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.

In approving a Special Exception, the Zoning Hearing Board may attach

whatever reasonable conditions and safeguards it deems necessary in order to insure that the proposed development is consistent with the purposes of this Ordinance.

1002 HEARING PROCEDURES

A. Parties Appellant Before Zoning Hearing Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for a variance or special exception from the Zoning Hearing Board must be filed with the Zoning Officer by any landowner or an authorized agent of such landowner.

B. Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, whether preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

C. Applications Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance or special exception that is applied for, in addition to the following information:

1. the name and address of the applicant or appellant;
2. the name and address of the owner of the parcel to be affected by such proposed change or appeal;
3. a brief description and location of the parcel to be affected by such proposed change or appeal;
4. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,
5. a reasonably accurate description of any existing buildings, structures or improvements located on the site and the additions or changes intended to be made under this application, indicating the size of such proposed improvements. In addition, the applicant shall provide the Zoning Hearing

Board with an accurate plot plan, drawn to scale, of the property to be affected, indicating the location and size of the lot and the size and location of all existing buildings, structures, trees, or other physical features thereon and those additional improvements proposed to be erected.

D. Procedure for Zoning Officer

1. The notice of appeal in any case where a Permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

E. Hearings Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Officer, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

1. Publish Public Notice in accordance with the definition of "Public Notice" in Article 13 of this Ordinance;
2. Direct the Township Zoning Officer to post, in a conspicuous place on the property involved, a written notice of the pending hearing and action. Such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Township Planning Commission, the Planning Commission shall be given notice at least 30 days prior to the Hearing); and,
4. In the case of an appeal, or a request for a variance or special exception, all property owners adjoining the affected tract and those located directly

across the street from the applicable site shall be given written notice at least seven (7) days prior to the hearing.

F. Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and the PA Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. Such chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Zoning Hearing Board to take action.

G. Decisions

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Zoning Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day following its date. All other persons interested in the result, who filed their name and address with the Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where

the full decision may be examined.

H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Land Use Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof or fails to complete the designated work within two (2) years of Permit issuance. Said expiration may however be extended by the Zoning Hearing Board where Permit application must be preceded by Township subdivision or land development approval.

I. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

J. Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required hearing or fails to render a decision within the prescribed time period, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision. If the Board shall fail to provide such notice, the applicant may do so.

K. Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate agency.

L. Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Clinton County pursuant to the procedures established in the PA Municipalities Planning Code.

ARTICLE 11

RESPONSIBILITIES OF THE TOWNSHIP SUPERVISORS

1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See Appendix C of this Ordinance for an illustration of the amendment procedure.) For Curative Amendments see Procedure For Landowner Curative Amendments and Procedure for Municipal Curative Amendments in the PA Municipalities Planning Code.

A. Public Hearing and Notice Requirements

The Township Supervisors shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the affected tract at least seven (7) days prior to the date of the hearing.

If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

B. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by the Township Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) shall fail to file such a report before the public hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

C. Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

D. Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage will be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the County Law Library or other county office designated by the County Commissioners.

E. Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

1101 CONDITIONAL USES

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Article 3 of this Ordinance, the District Regulations, pursuant to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. (See Appendix D of this Ordinance for a chart illustrating the Conditional Use procedure.)

A. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Township Supervisors and forward a copy of the application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 45 days of receipt of such request.

B. Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. the location of the tract of land;
2. the present use of the tract for which the conditional use is requested;
3. the present use of adjoining tracts;
4. the type of conditional use for which the application is made;
5. a brief description of the type and extent of the proposed activities;
6. an estimate of the total development cost of the conditional use; and,
7. the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

C. Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below.

The site plan shall be drawn to a scale not more than 50 feet to the inch and shall be on a sheet no smaller than 18" x 24" and no larger than 24" x 36". If the site plan is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. The site plan shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;

7. proposed grading and drainage plans;
8. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
10. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a conditional use, the Township Supervisors may waive the requirement for submittal of certain information that is deemed unnecessary for review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

D. Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise (pursuant to the definition of Public Notice), and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

E. Criteria for Conditional Uses

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;
4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
6. the economic, noise, glare or odor effects of the conditional use on

adjoining properties and properties generally in the district; and,

7. whether satisfactory provision and arrangement has been made concerning the following:
 - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
 - b. off-street parking and loading areas;
 - c. waste collection, storage and disposal;
 - d. utilities, with reference to location, availability and compatibility;
 - e. screening and buffering with reference to type, dimensions and character;
 - f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
 - g. required yards and open spaces.

F. Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

G. Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Sections 1101 D. and F. above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant

because of a violation of the prescribed time periods, the Township Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

H. Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization thereof or fails to complete the designated work within two (2) years of Permit issuance. Said expiration may however be extended by the Supervisors where Permit application must be preceded by Township subdivision or land development approval.

I. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

ARTICLE 12

ADMINISTRATION AND ENFORCEMENT

1200 DUTIES OF THE ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Supervisors and who shall hold no elective office in the municipality. Said Officer shall demonstrate, to the satisfaction of the Supervisors, a working knowledge of municipal zoning, and shall meet such other qualifications as the Supervisors may, from time to time, deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the following duties:

- A. to receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Ordinance;
- B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- C. to issue Land Use Permits for the construction, alteration, erection or placement of all buildings or structures which comply with the requirements of this Ordinance, within 10 days after receipt of an application for such a permit in accordance with the procedures set forth the Section 1202 of this Ordinance. **In cases involving requests for a conditional use, a special exception, or a variance, permits shall be issued only upon written order of the appropriate approving agency.** It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board and in certain instances (i.e. conditional uses and amendment requests), hearings before the Township Supervisors;
- D. to deny applications for Land Use Permits which do not meet the requirements of this Ordinance, within 10 days following receipt of such application, in accordance with the procedures set forth in Section 1202;
- E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
- F. to issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity in accordance with the procedures set forth in Section 1203 of this Ordinance;
- G. To post notice of pending Zoning Hearing Board hearings in accordance with the procedure established in Section 1002 E. and to post notice of proposed

zoning district changes as per the requirements of Section 1100 A.

- H. to issue written enforcement notices as specified in Section 1204 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Township Solicitor, Zoning Hearing Board and to the Township Supervisors;
- I. to maintain and update the official Zoning Map;
- J. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;
- K. to issue Certificates of Nonconformance as requested (see Sections 900 G. and 901 D.); and
- L. to perform such other duties as may be necessary by the terms of this Ordinance or at the request of the Board of Supervisors.

1201 GENERAL PROCEDURE FOR LAND USE PERMIT APPLICATION

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building or land shall apply to the Zoning Officer for a Land Use Permit by completing the appropriate application form and by submitting the required fee. After thoroughly reviewing the application, the Zoning Officer shall either issue or deny the Land Use Permit or refer the application to the Zoning Hearing Board or Township Supervisors for their consideration, as may be appropriate. Once the applicant has received his Land Use Permit, he may proceed with his proposal as approved. Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Occupancy. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Land Use Permit, he shall issue a Certificate of Occupancy thus allowing the premises to be occupied or used. (Specifics of each step in this process are discussed in Sections 1202 and 1203 below.)

1202 LAND USE PERMITS

A. Requirements for Land Use Permits

A Land Use Permit shall be required: 1) prior to the placement, erection, construction, addition, or alteration of any building or structure or portion thereof; 2) prior to the use or change in use of a building, structure or land, including parking lots; 3) prior to the erection or alteration of signs, except as specified in Article 7; 4) prior to the change or extension of a nonconforming use; and 5) prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or to change a land use, until a Land

Use Permit has been duly issued therefor. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

Exemptions

Land Use Permits shall not be required for the following activities **unless they are proposed within a floodplain district:**

1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general exterior maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition or replacement of storm windows, and similar activities;
3. agricultural activities, including crop or tree farming;
4. landscaping, or the construction of land terraces, steps or similar features, including fencing;
5. placement or location of utility distribution lines;
6. the razing of buildings or structures; or
7. the erection, construction, or placement of a single accessory building which contains less than 100 square feet in area, does not exceed 12 feet in height, and meets all setback requirements of the district in which it is to be located.

B. Application for Land Use Permits

Each request for a Land Use Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

The Zoning Officer shall have 10 days after receipt of an application to issue or deny the Permit. Any denial shall be in writing and shall state the reason(s) for such action.

C. Description of Work and Plan Requirements

All applications for Land Use Permits shall be accompanied by plans drawn to

scale showing the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part thereof, and such other information as necessary to determine compliance with this Ordinance and all other pertinent regulations. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

D. Applicability of Other Regulations

In addition to meeting the requirements set forth in this Ordinance, applicants shall adhere to all other regulations or codes in effect in Wayne Township or as may hereafter be enacted. Nothing in this Ordinance shall exempt an applicant from obtaining approvals or permits which may be required by such regulations or other local, State, or Federal laws or rules. It shall be the applicant's responsibility to provide the Township with evidence that shows that such laws, rules or regulations have been met. Failure to meet the requirements of other local, state, or federal laws or rules shall be considered a violation of this Ordinance.

E. Changes

After the issuance of a Land Use Permit by the Zoning Officer, 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 approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

F. Display of Permit Placard

In addition to the Land Use Permit, the Zoning Officer shall issue a Permit placard which shall be displayed or posted on the premises during the time construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Land Use Permit, the date of its issuance, a brief description of the construction authorized, and the signature of the Zoning Officer.

G. Time Limitations

Work on approved construction shall commence within one (1) year after the date of issuance of the Land Use Permit and shall be completed within 24 months following Permit issuance or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. Time extensions may be

granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request. Where such cause is determined, no more than two (2), 45-day extensions may be granted. Additional time shall require the issuance of a new Permit.

For the purposes of this Section, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

H. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine this compliance.

In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Ordinance.

I. Revocation of Permits

The Zoning Officer may revoke a Land Use Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Supervisors for whatever action they may deem necessary.

J. Temporary Land Use Permits

A Temporary Land Use Permit may be authorized by the Zoning Officer for a non-permanent structure or use not generally permitted where it is deemed beneficial to the public health or general welfare, necessary to promote the proper development of the community, or for temporary accessory use, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. Such Permits shall be issued for a period of time not to exceed one (1) year, and may be renewed for no more than two (2) additional 90 day periods.

K. Seasonal Land Use Permits

A Seasonal Land Use Permit shall be obtained from the Zoning Officer for the

placement of a camping unit in a campground situated in any designated floodplain in the Township. Seasonal permits shall be valid for no more than 180 days in any calendar year, unless specified otherwise in this Ordinance. Before issuing a Seasonal Land Use Permit, the Zoning Officer shall be satisfied that the requirements of Section 423 D. and all other applicable provisions of this Ordinance have been met.

1203 CERTIFICATES OF OCCUPANCY

A. Requirements for Certificates of Occupancy

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part or shall be changed in use until a Certificate of Occupancy has been issued by the Zoning Officer. In the case of residential construction, such Certificate shall not be issued until the exterior walls of the building are complete and all essential or vital utilities have been installed, including sewage facilities, water supply, and electric service. **The issuance of a Certificate of Occupancy is not however intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure.** The purpose of the Certificate is only to certify that all work authorized by the Land Use Permit has been completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

B. Issuance and Effect

The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Certificate of Occupancy shall be issued or denied by the Zoning Officer within ten (10) days after the activity has been inspected. Once granted, the Certificate of Occupancy shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants. If any part of the construction is found in violation, then the applicant shall be notified in writing of the deficiencies found or the reasons for denial of the Certificate.

1204 VIOLATIONS AND ENFORCEMENT

Failure to secure a Land Use Permit when required hereunder; failure to secure a Certificate of Occupancy; or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

A. Enforcement Notice

Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the Township, shall give notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

1. be in writing;
2. be served upon the owner of record of the parcel upon which the violation has occurred or be sent to him by certified mail (return receipt requested), and be sent to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record;
3. state the name of the owner of record and any other person against whom the Township intends to take action;
4. indicate the location of the property in violation;
5. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance;
6. contain an outline of remedial action which, if taken, will effect compliance;
7. specify the date before which the steps for compliance must be commenced and the date before which the steps must be completed;
8. notify the recipient of his right to appeal to the Township Zoning Hearing Board within 30 days of the date of the enforcement notice; and,
9. indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.

In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

B. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Zoning Officer may institute in the name of the Township, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any action, conduct, business, or use in or about such premises constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded however by serving a copy of the complaint on the Township Supervisors at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

C. Jurisdiction

District Justices shall have initial jurisdiction over proceedings brought for a violation of this Ordinance.

D. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Wayne Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Wayne Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Wayne Township.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained in this Sub-Section shall be construed or interpreted to grant to any person or entity other than Wayne Township the right to commence any action for enforcement pursuant to this Sub-Section.

1205 FEES

Fees for the issuance of Land Use Permits, Certificates of Occupancy, ordinance amendments, Conditional Uses, Special Exceptions, variances and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Township Supervisors. (A copy of the current fee schedule may be obtained from the Township Zoning Officer or municipal Secretary.)

Further, any fees paid by a party for appeal of an enforcement notice to the Township Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

ARTICLE 13

DEFINITIONS

1300 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the term "shall" is mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1301 DEFINITIONS

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ACCESS DRIVE: A durable, all-weather means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway or private street or right-of-way.

ACCESSORY RESIDENTIAL USE: For the purposes of this Ordinance, an accessory residential use shall be defined as a residential dwelling unit(s) which are accessory to the principal commercial use of a lot in the VC and MU Zoning Districts; i.e. an apartment(s) located above or adjoining a retail establishment.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY USE: See USE, ACCESSORY.

ADULT BOOK STORE: An establishment having a substantial or significant portion of its stock or trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual activities".

ADULT ENTERTAINMENT ESTABLISHMENT: Adult book stores, adult cabarets, adult drive-in picture theaters, adult mini-motion picture theaters, adult motion picture theaters, adult walk-in picture theaters, adult amusement arcades, massage parlors, and similar establishments providing entertainment of a sexual nature. (See also Section 415.)

AGENT: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AGRIBUSINESS: An independent business, not necessarily subsidiary to an agricultural operation located on the same tract of land, which is related to the processing or sale of agricultural products or supplies, or the sale and/or repair of agricultural equipment.

AGRICULTURAL BUILDING: Any farm building or structure used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. Such buildings shall not be used for residential purposes.

AGRICULTURE: The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the agricultural activities. (See also AGRIBUSINESS and FARM-RELATED BUSINESS.)

ALLEY: A permanent, public or private serviceway providing a secondary means of access to lots, not intended for general traffic circulation.

ALTERATION: As applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the purposes of this Ordinance, alteration shall not be defined to include maintenance or repair activities.

AMENDMENT: 1) The process set forth by the PA Municipalities Planning Code for changing or altering the provisions of this Ordinance or the boundary of any zoning district shown on the zoning map. (See also Section 1100.) 2) The actual change or alteration proposed for the Zoning Ordinance text or map.

AMUSEMENT ARCADE: A retail establishment whose principal business is offering to patrons mechanical, electrical or video amusement devices or games such as pinball machines, ping pong, darts, rides, shooting galleries or similar devices and games.

ANIMAL EQUIVALENT UNIT: One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. (See the PA Nutrient Management Regulations for a listing of standard animal weights.)

ANIMAL HOSPITAL: An establishment where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment. (See also Section 414.)

ANIMAL HUSBANDRY: For the purposes of this Ordinance, animal husbandry shall be defined as the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering. (The boarding or raising of livestock or poultry as farm animals or household pets pursuant to the regulations of this Ordinance shall not be considered animal husbandry. See also Section 421.)

APPLICANT: Any lessee or his authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AREA: The surface included within a set of lines.

- a. **Area, Lot:** The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.
- b. **Area, Buildable:** That portion of a lot bounded by the required front, side and rear yards.
- c. **Area, Building:** The total area of a lot covered by buildings, excluding uncovered patios, terraces and steps.
- d. **Area, Site:** The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

AUTOMOBILE REPAIR GARAGE: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also Section 411.)

AUTOMOBILE &/OR MANUFACTURED HOME SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles, other motor vehicles, and/or manufactured homes including warranty repair or service associated work.

AUTOMOBILE SERVICE STATION: A building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. (See also Section 411.)

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet

or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST ESTABLISHMENT: An establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals may also be offered for overnight guests as a part of the lodging fee. (See also Section 409.)

BOARD OF SUPERVISORS: The elected governing body of Wayne Township, Clinton County, PA.

BOARD OR ZONING HEARING BOARD: The Zoning Hearing Board of Wayne Township, Clinton County, PA.

BUFFER YARD: Yard space, either landscaped or planted, provided between high intensity activities and other uses. (See also Section 505.)

BUILDING: A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word "building" shall include any part thereof. Included shall be all mobile or manufactured homes and trailers to be used for human habitation.

- a. **Building, Accessory:** A detached, subordinate building located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- b. **Building, Principal:** A building in which the principal use of the site is conducted.
- c. **Building, Attached:** A building which has one (1) or more walls in common with adjacent buildings.
- d. **Building, Detached:** A building which has no common walls and is surrounded by open space on the same lot.

BUILDING COVERAGE: That percentage of the plot or lot area covered by the total ground floor area of all principal and accessory buildings, including carports and breezeways, and covered porches, patios and decks, but excluding unenclosed parking or loading areas.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the ground surrounding the building to a point midway between the highest and lowest point of the roof, excluding chimneys, spires, towers, tanks and similar projections which may be attached to the building.

BUILDING LINE: The required setback (front, side, or rear) of a building from a

property line.

BUILDING SETBACK LINE: A line parallel to the street right-of-way line located at a distance which is equal to the front yard for the district in which the lot is located; i.e. the front yard setback.

CAMPGROUND: A tract or tracts of ground, or portion thereof, used for the purpose of providing space for two (2) or more recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle park. (See also Section 423.)

CAMP OR CABIN: See SEASONAL DWELLING, CAMP OR CABIN.

CARPORT: A roofed structure providing space for the parking or storage of motor vehicles which is enclosed on not more than three (3) sides.

CARTWAY: The area of a street or alley within which vehicles are permitted, including travelled lanes and on-street parking spaces, but excluding shoulders, curbs, sidewalks, or drainage swales.

CAR WASH: Any building or premises used for washing automobiles or other motor vehicles. (See also Section 412.)

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below grade.

CEMETERY: Property used for interring the dead.

CERTIFICATE OF NONCONFORMANCE: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Zoning Officer stating that all work authorized by the Land Use Permit has been satisfactorily completed or, in cases not involving construction, a proposed new use is in conformity with the Ordinance and the building or land may be occupied.

CHANGE OF USE: An alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHURCH: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious or worship services, and uses customarily accessory and incidental thereto. For the purposes of this Ordinance, uses such as schools, child nursery or day care facilities, social halls or similar places of assembly associated with the church or

other place of worship shall require separate consideration and approval by Township officials.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines.

CLINIC, MEDICAL: See MEDICAL CLINIC.

CLINIC, VETERINARY: See VETERINARY CLINIC.

CLUB, LODGE, OR FRATERNAL ORGANIZATION: An organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes, which are not conducted for profit. Clubs shall include but need not be limited to service organizations, fraternal organizations, as well as social, athletic or similar groups.

COMMERCIAL OUTDOOR RECREATION FACILITIES: See OUTDOOR RECREATION FACILITIES, COMMERCIAL.

COMMISSION: The Planning Commission of Wayne Township, Clinton County, PA.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMMON WALL: A wall on an interior lot line or a fireproof wall adapted for joint service between two (2) buildings; i.e. a party wall.

COMMUNICATIONS ANTENNAE, TOWERS, AND/OR EQUIPMENT BUILDINGS: All forms of transmitting and/or receiving antennae, dishes, or devices, and the poles, masts, towers, or other structures which support them, as well as any buildings which may be necessary for the operation or maintenance of such uses, except that those communications transmitting and/or receiving facilities utilized by governmental agencies or those regulated by applicable public utility laws shall be exempt. (See also Section 424.)

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN: The complete plan for future development of Wayne Township, Clinton County, PA, as adopted by Resolution of the Board of Township Supervisors in June of 1992, or as may hereafter be amended.

CONCENTRATED ANIMAL FEEDING OPERATIONS: Agricultural feeding operations where the animal density exceeds two (2) animal equivalent units (AEU) per acre on an annualized basis. (See also Section 421.)

CONDITIONAL USE: A principal use allowed in certain districts, as provided for in Article 3, which may only be authorized by the Township Supervisors as set forth in Section 1101 of this Ordinance, after review and recommendation of the Township Planning Commission.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION: See NEW CONSTRUCTION.

CONTRACTOR'S SHOP AND YARD: A building or buildings and space used for the storage of construction equipment and/or building materials. Such uses may also include equipment repair facilities and office space. (See also Section 422.)

CONVENIENCE MARKET: A retail establishment selling a limited range of food products and some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller inventory of merchandise than a supermarket or grocery store. In some cases, gasoline and related automotive supplies are also offered on a self-service basis.

CONVERSION APARTMENT: A dwelling or other building existing at the effective date of this Ordinance which is converted for residential occupancy. For the purposes of this Ordinance, conversions shall be limited to a maximum of three (3) dwelling units per building. (See also Section 404.)

CORRECTIONAL INSTITUTION: An establishment, regardless of ownership or operation, whether private, non-profit or public, engaged in the confinement and correction of offenders sentenced by the court. Such facilities shall include, but are not limited to detention centers, honor camps, houses of correction, jails, prisons, prison farms, juvenile detention centers, penitentiaries, reformatories, training schools for delinquents, offenders, and other adjudicated individuals, and halfway homes for delinquents, offenders, and other adjudicated individuals.

COTTAGE DEVELOPMENT: For the purposes of this Ordinance, a cottage development shall be defined as a public or private recreational operation consisting of two or more cottages or related buildings designed and used on a seasonal basis for youth camps or similar purposes. (See also Section 422.)

COUNTY: Clinton County, PA.

CULTURAL FACILITIES: Art galleries, auditoriums, libraries, museums, community centers, botanical gardens, adult education centers, or other similar facilities, open to the public or connected with a permitted educational, institutional, philanthropic, service or religious use.

DAY CARE CENTER: A private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children may be

charged and which is licensed, inspected and approved to operate as a child day care center by the PA Department of Public Welfare. For the purposes of this Ordinance, such facilities may also provide care for adult, elderly, or handicapped persons. (See also Section 408.)

DENSITY: The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of the landowner, who makes or causes to be made a subdivision or land development.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DISTRICT: A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

DOCK: A temporary structure extending into a stream or other body of water for the purpose of securing a boat(s).

DRIVEWAY: A minor vehicular access between a street and a parking area or garage within a lot or property.

DWELLING: A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- a. Dwelling, Single-Family Detached: A dwelling containing one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, including a mobile home as defined below. (See also MOBILE HOME.)
- b. Dwelling, Single-Family Attached: A dwelling containing one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or two walls in common with an adjoining dwelling(s); i.e. a townhouse. For the purposes of this Ordinance, a single-family attached dwelling structure shall be considered to be a type of multi-family dwelling structure and shall contain a minimum of three (3) dwelling units. (See also Section 405.)
- c. Dwelling, Two-Family: A dwelling structure containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex. For the purposes of this Ordinance, a two-family dwelling shall be considered to be a type of multi-family dwelling structure.

- d. Dwelling, Multi-Family: A dwelling structure containing two (2) or more dwelling units, including single-family attached dwelling structures or townhouses, two-family dwellings, and apartment buildings. (See also Section 405.)

For the purposes of this Ordinance, a MULTI-FAMILY HOUSING DEVELOPMENT shall be defined as a development consisting of more than one (1) multi-family dwelling structure.

DWELLING UNIT: One or more rooms in a dwelling structure designed for use by one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles, lodging facilities, hospitals or nursing homes shall not be considered as dwelling units for the purposes of this Ordinance. (See also Section 402.)

ENCLOSED USE: A use which is located entirely within a building or structure.

ENTERTAINMENT FACILITY, PUBLIC: An indoor, facility operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, amusement arcades, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities as defined herein.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FAMILY: One (1) or more persons related by blood, marriage, adoption, or guardianship occupying a single dwelling unit and living as a single household unit using common living, cooking, sanitary and sleeping facilities. (See also GROUP FAMILY HOUSEHOLD.)

FAMILY DAY CARE HOME: A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, a family day care home may also provide for care of up to six (6) adult or elderly persons.

FARM-RELATED BUSINESS: For the purposes of this Ordinance, a farm-related business shall be defined as a commercial enterprise conducted on a farm parcel which is related to or supportive of an on-going agricultural operation located on the same tract. (See also Section 426.)

FENCE: Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Ordinance, a fence shall not be considered a structure and shall therefore not require the issuance of a Land Use Permit prior to its placement or erection, although the standards of Section 504 B. of this Ordinance shall be met.

FILL: For the purposes of this Ordinance, fill shall be defined as soil or small rock materials which are brought to a site, compacted, and used as a means of elevating or floodproofing a building or structure proposed to be located within an identified floodplain area of the Township. (See also Section 602 C.1.)

FINANCIAL OFFICE: For the purposes of this Ordinance, a finance office shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-in windows, ATM machines, and similar night deposit facilities.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD FRINGE: That portion of the 100 year floodplain outside of the floodway, excluding areas shown as approximate 100 year flood zones on the Township's Flood Boundary and Floodway Maps.

FLOOD, ONE HUNDRED YEAR: A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

FLOODPLAIN: 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation. 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See Section 602 for flood damage control provisions.)

FLOODWAY: The designated area of a floodplain required to carry and discharge the flood waters of a 100 year flood.

FLOOR AREA: The area of a structure covered by floors.

- a. Floor Area, Gross: For the purpose of determining compliance with the minimum gross floor area requirements for dwelling units, gross floor area shall be defined as the sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, and the area of enclosed or unenclosed porches, decks, patios and terraces.

For the purpose of applying the requirements for off-street parking and loading, floor area in the case of office, merchandising, or service type uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons, clients, or patients, including areas occupied

by fixtures or equipment used for display or sale of merchandise.

- b. Floor Area, Habitable: Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Stairways, hallways and floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE: A building or structure used for the parking and storage of vehicles.

- a. Garage, Private: An accessory building or an accessory portion of a principal building designed or used for the parking or storage of not more than four (4) motor vehicles, which is not a commercial enterprise available to the general public, provided however that no more than one space therein may be leased to a non-resident of the premises.
- b. Garage, Public: A building or group of buildings used primarily for the parking or storage of motor vehicles available to the general public for compensation. (See also AUTOMOBILE REPAIR SHOP.)

GENERAL FLOODPLAIN: That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Township's Flood Boundary and Floodway Maps.

GENERAL STORE: See CONVENIENCE MARKET.

GOVERNMENT OR NON-PROFIT USE: A facility housing governmental agencies, public service organizations or other non-profit operations, including but not limited to, U.S. Postal Service, PADOT, PA State Police or local police departments, fire and ambulance companies, libraries, museums or other cultural facilities, as well as other Federal, State, County and municipal operations.

GRADE: The degree of rise or descent of a sloping surface.

- a. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.
- b. Grade, Finished: The final elevation of the ground surface after development.

GROCERY STORE: A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

GROUP DAY CARE HOME: A residence where day care is provided for between seven (7) and 12 children unrelated to the resident household, which is licensed and inspected by the PA Department of Welfare to provide such care. For the purposes of this Ordinance, such use may be either a principal or accessory use. (see applicable District Regulations) and may also provide care for adult or elderly persons.

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability.

GROUP HOME: A residence occupied by eight (8) or fewer persons unrelated by blood, marriage, adoption or guardianship which live together as a single housekeeping unit; i.e. a group family household. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. (See also Section 407 and INSTITUTIONAL RESIDENCE.)

HAZARDOUS MATERIALS: Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

HISTORIC STRUCTURE: Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the

Interior; or

- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) by an approved state program as determined by the Secretary of the Interior; or,
 - 2) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An accessory use or service-oriented occupation operated for gain or profit conducted entirely within the a dwelling or building accessory thereto, which is carried on by the inhabitants thereof and is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See also Section 425.)

HORTICULTURE: The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities and/or training operations, and where other health care services buildings.

HOTEL: A building or structure containing rooms intended or designed to be used, rented or occupied for sleeping purposes by overnight guests, where such rooms have no independent outside access and where provision may be made for dining room or restaurant facilities, or meeting or conference rooms within the building.

HOUSEHOLD PETS: Dogs, cats, or other animals which are domesticated for personal use and are generally housed with a dwelling unit.

IDENTIFIED FLOODPLAIN AREA: Those floodplain areas specifically identified in this Ordinance as being inundated by the 100 year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.

IMPERVIOUS SURFACE: That percentage of a lot that does not absorb precipitation. For the purposes of this Ordinance, all buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or similar materials shall be considered impervious surfaces.

INDUSTRIAL USES: For the purposes of this Ordinance, industrial uses shall be defined as those manufacturing, assembly and processing activities itemized in the Light Industrial District Regulations, and meeting the supplementary regulations set forth in Section 418. (See also MANUFACTURING.)

INDUSTRIAL PARK: A tract of land which has been planned, developed and is operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

INSTITUTIONAL USE: A private, non-profit or quasi-public use or facility such as a church, library, a public or private school, hospital, nursing home, personal care home, or a municipally-owned building, structure or land used for public purposes. (See also CORRECTIONAL INSTITUTIONS.)

INSTITUTIONAL RESIDENCE: Establishments primarily engaged in the provision of residential, social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, but where medical care is not a major element. These uses include, but are not limited to, group foster homes; residential alcohol and drug rehabilitation centers with incidental health care; children's boarding homes; halfway homes for persons with social or personal problems (except halfway homes for delinquents, offenders and other adjudicated individuals, and training schools for delinquent and other adjudicated individuals); homes for destitute individuals; homes for the deaf or blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for nine (9) or more residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category, with the exception of personal care homes as defined herein. Such facilities may also require licensing by the PA Department of Public Health or other State agencies.

INTERSTATE HIGHWAY SYSTEM: That portion of the national system of interstate highways located within the Commonwealth as officially designated by the State and/or U.S. Departments of Transportation.

JUNK: Any discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse and including, but not limited to, scrap metal, scrapped, junked vehicles, machinery, equipment, paper, rags, glass containers and other salvageable materials. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

JUNKED VEHICLE: Any unsheltered motor vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards under the PA Vehicle Code to the extent that repairs would exceed the value of the repaired vehicle; except that any operable but unregistered or uninspected vehicle which is to be restricted to operation upon the property where it is located shall not be considered a junked vehicle. (See Wayne Township Nuisance Ordinance, enacted October 19, 1992, or as may hereafter be amended, for a definition of an abandoned vehicle.)

JUNK YARD: Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk or

salvage, with or without dismantling, processing, sale or other use or disposition of the same. (See also Wayne Township Nuisance Ordinance enacted October 19, 1992, or as may hereafter be amended, and SALVAGE OPERATION.)

KENNEL: For the purposes of this Ordinance, a kennel shall be defined as an establishment where five (5) or more dogs or domesticated animals in excess of six months old are housed, groomed, bred, boarded, trained or sold. (House pets maintained in a private home are excluded.) In addition, all requirements of the PA Dog Law, administered by the PA Department of Agriculture, shall be met before establishing a kennel in the Township.

LAND CULTIVATION: The tilling or cultivation of soil for crop or tree farming.

LAND DEVELOPMENT: Any of the following activities: (1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or (2) a subdivision of land.

LANDOWNER: The legal or beneficial owner(s) of land, including the holder of an option or contract to purchase (whether or not such option is subject to any condition), a lessee, if he is authorized under the lease to exercise the right of the land owner or other person having a proprietary interest in the land.

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LAND USE PERMIT: 1) The permit required by this Ordinance for the erection, placement, construction, alteration, addition, or change of use of any building or structure. 2) A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the district in which it is to be located. (See also SEASONAL LAND USE PERMIT and TEMPORARY LAND USE PERMIT and Section 1202 A.)

LAUNDROMAT: A business premises equipped with individual clothes washing and drying machines for the use of retail customers. For the purposes of this Ordinance such facilities shall not include laundry facilities provided as an accessory use, such as those provided in an apartment building or other multi-family dwelling structure.

LIBRARIES: See CULTURAL FACILITIES.

LIVESTOCK: For the purposes of this Ordinance, livestock shall be defined to include cows, pigs, horses, sheep, llamas, and other similar types of farm animals.

LOADING BERTH: An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LODGING FACILITY: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests for limited periods of time, including hotels, motels, inns and other similar types of commercial lodging establishments. Dining facilities associated with such uses may also be open or available to the public if authorized by the proper Township officials. (See also HOTEL AND MOTEL.)

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- a. Lot Area: See "AREA".
- b. Lot Depth: The distance measured from the front lot line to the rear lot line.
- c. Lot Width: The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.
- d. Lot, Corner: A lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- e. Lot, Double Frontage: A lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.
- f. Lot, Reverse Frontage: A double frontage lot which is not accessible from one of the streets upon which its fronts, usually due to topographic constraints or safety considerations.

LOT LINES: The property lines bounding the lot.

- a. Lot Line, Front: The line separating the lot from a street right-of-way; or where a lot has no road frontage, the lot line opposite the rear lot line.
- b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- c. Lot Line, Side: Any lot line other than a front or rear lot line.

LOT OF RECORD: A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Clinton County, PA.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished, flood resistant partially

enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement or cellar area is not considered a building's lowest floor, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance and the National Flood Insurance Program.

LUMBER YARD: A business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

MACHINE SHOP: A workshop, manufacturing facility, or other industrial operation where machines are built, repaired or assembled. For the purposes of this Ordinance, such facilities shall include tool and die making, engine rebuilding, and similar types of activities.

MANUFACTURING: The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

MASSAGE PARLOR: 1) An establishment in which there exists the offering or furnishing of services in which "specified sexual activities" may occur. 2) The office of a professional offering massage or physiotherapy as an alternative to or in conjunction with traditional medical treatments.

MEDICAL CLINIC: For the purposes of this Ordinance, a medical clinic shall be defined as an establishment housing three (3) or more physicians, dentists, psychologists, or social workers, where patients are received for examination or treatment, but where no patients are lodged overnight.

MINERALS: For the purposes of this Ordinance, the term mineral shall include, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources.

MINING AND EXTRACTIVE OPERATION: The commercial extraction of sand, gravel, clay, shale, rock or other natural mineral deposits from the earth, but excluding the extraction of oil or gas reserves. (See also Section 420.)

MINI-STORAGE WAREHOUSE: A warehousing facility where separate storage spaces of varying size are available for lease or rental, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy of nor commercial sales conducted from such storage areas. (See also Section 413.)

MINOR REPAIR: The replacement of existing work with equivalent materials for

the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for a period of time exceeding 180 consecutive days. (See also Section 403.)

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PAD OR STAND: That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for a period of time exceeding 180 consecutive days. (See also Article VI of the Wayne Township Subdivision and Land Development Ordinance.)

MOTEL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests, where each unit has independent outside access and where provision may be made for limited cooking in individual rooms.

MULTI-FAMILY DWELLING: See DWELLING, MULTI-FAMILY.

MUNICIPALITY: Wayne Township, Clinton County, PA.

MUNICIPAL WASTE: Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste as defined in the PA Solid Waste Management Act

from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPAL WASTE LANDFILL: A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition landfill or a facility for the land application of sewage sludge.

MUSEUM: See CULTURAL FACILITIES.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after November 19, 1979 and includes any subsequent improvements thereto.

NONCONFORMING LOT: A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Article 3), including those lots which existed prior to the enactment of this Ordinance. (See Section 901 for applicable provisions.)

NONCONFORMING STRUCTURE: A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 900 for applicable provisions.)

NONCONFORMING USE: A use of a building or land which does not comply with the applicable use regulations (Article 3) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment. (See Section 900 for applicable provisions.)

NURSERY: Land and/or greenhouses used to raise flowers, shrubs, trees, and plants for sale.

NURSING HOME: A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment,

projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried down-stream to the damage of life or property.

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

- a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.
- b. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complementary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities or utilities.

OUTDOOR RECREATION FACILITIES, COMMERCIAL: An outdoor commercial recreation facility, including a golf course, golf driving range, a miniature golf course, ski resort, race track, swimming or tennis club, shooting or hunting preserve, sporting clays range, and similar facilities.

PARKING AREA: An open area, other than a street or other public way, used for the parking of automobiles which is available to the public whether for a fee, free, or as an accommodation for clients or customers.

PARKING SPACE: An off-street area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. For the purposes of this Ordinance, parking space shall include uncovered lot space located off of any right-of-way and enclosed garage space. (See also Article 8.)

PARK AND RECREATION AREA: A public, semi-public or private park or park-type facility which provides for outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues or other groups or may be strictly independent.

PERMITTED USE: A principal use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer.

PERSONAL CARE HOME: A state-licensed institutional facility providing supervised care services, including meals and less than full-time skilled or intermediate nursing care, for individuals, usually the elderly.

PERSONAL SERVICE ESTABLISHMENT: For the purposes of this Ordinance, a personal service establishment shall be defined as a small-scale retail business providing direct service or care to a patron or client, including but not limited to a barber or beauty shop, a tailor or dressmaker's shop, a music or art studio, upholstery or shoe repair facility, or similar establishment of a related nature.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance. (See also Section 406.)

PLANNING COMMISSION: The Planning Commission of Wayne Township, Clinton County, PA.

PRIMARY HIGHWAY SYSTEM: That portion of connected main highways located within the Commonwealth as officially designated by the State or U.S. Departments of Transportation.

PRINCIPAL USE: See USE, PRINCIPAL.

PROFESSIONAL OFFICE: An office occupied by up to two (2) members of a recognized profession, including but not limited to, a real estate or insurance agency, medical or dental office, attorney's office, or similar operation. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is clearly secondary to the residential use of the dwelling.

PUBLIC ENTERTAINMENT FACILITY: See ENTERTAINMENT FACILITY, PUBLIC.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Township Supervisors, Township Planning Commission, or Township Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84) known as the Sunshine Act.

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLIC UTILITY IMPROVEMENTS: Facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental

agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Ordinance, public utility improvements shall not include commercial communications transmitting and receiving facilities. (See also COMMUNICATIONS ANTENNAE, TOWERS, AND/OR EQUIPMENT BUILDINGS.)

RECREATIONAL VEHICLE: A portable or mobile vehicle used for temporary living or sleeping accommodation, without a permanent foundation. Recreational vehicles shall include travel trailers, house trailers, truck campers, motor homes and other similar types of vehicles used for recreational, camping or travel purposes. Such vehicles are permitted to be used in campground areas in the municipality or on private independent parcels.

RECREATIONAL VEHICLE PARK: Any site upon which two (2) or more recreational vehicles are, or intended to be located. (See also CAMPGROUND).

RECREATION AREA: See PARK OR RECREATION AREA.

RECYCLABLE MATERIALS: For the purposes of this Ordinance, recyclable materials shall be defined as those designated waste products which are collected at approved recycling drop-off centers in the Township for transformation into new and/or different products at another location.

RECYCLING DROP-OFF CENTERS: For the purposes of this Ordinance, recycling drop-off centers shall be defined as facilities intended for the collection of recyclable materials, not including municipal, residual, or hazardous waste transfer stations. (See also Section 417.)

REGULATORY FLOOD: The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been based; the 100 year flood.

REGULATORY FLOOD ELEVATION: The 100 year flood elevation.

RESIDUAL WASTE: Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act nor treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Act.

RESIDUAL WASTE LANDFILL: A facility for disposing of residual waste. The term does not include a residual waste impoundment or a facility for the land application of residual waste. The term also does not include a facility at which municipal

waste, other than industrial lunchroom or office waste generated by the operator, construction/demolition waste generated by the operator, or certain special handling waste, is disposed.

RESTAURANT: A retail establishment where food and drink is prepared, served, and consumed primarily within the principal building.

RETAIL STORE: A place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. (See also Section 410.)

RIDING ACADEMY: An establishment where horses are kept for riding, jumping, or showing for compensation or incidental to the operation of a club, association, or similar group.

ROADSIDE STAND: A temporary or permanent booth, stand or shelter located along a roadway (but off the road right-of-way) from which farm, nursery or greenhouse products produced on the premises are offered for sale to the general public. For the purposes of this Ordinance, a temporary roadside stand shall be defined as a facility which is situated on a site only for the growing season and is then removed. Where permitted, roadside stands may be either a principal or accessory use.

ROOF: The outside cover of a building or structure other than its walls, including all of the materials and construction necessary to maintain the cover upon its walls or other support.

SALVAGE: Recyclable or otherwise reusable materials, articles, or things possessing value in part, gross or aggregate, and abandoned and junked vehicles, including parts thereof. Salvage shall not mean rubbish, garbage or organic waste.

SALVAGE OPERATION: The buying, selling, collecting, or otherwise accumulating and/or maintaining of abandoned or junked vehicles, including parts thereof, or any reusable materials. (See also Wayne Township Nuisance Ordinance, enacted October 19, 1992, or as may hereafter be amended, for classifications of salvage accumulations.)

SANITARY LANDFILL: A site for solid waste disposal. (See MUNICIPAL WASTE LANDFILL and RESIDUAL WASTE LANDFILL.)

SATELLITE DISH: For the purposes of this Ordinance, a satellite dish antenna shall be defined as an accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SAWMILL: A building or business establishment equipped with machinery for cutting lumber into boards.

SCHOOL: An establishment or facility, or part thereof, which is designed,

constructed, or used for public or private education or instruction in any branch of knowledge. For the purposes of this Ordinance, such facilities shall not include halfway homes or training facilities for delinquents, offenders, and other adjudicated individuals, nor other detentional or retentional facilities providing residential or "live-in" services. (See CORRECTIONAL INSTITUTION and INSTITUTIONAL RESIDENCE.)

SCREENING: The provision of a visual shield or barrier, which may include vegetative plantings; fencing; natural or man-made berms or landforms between adjacent properties, structures or uses.

SCREEN PLANTING: The provision of a barrier to visibility, glare and noise between adjacent properties made of plant materials, such as trees or shrubs which will be of such species that will produce the desired visual screen. Such plantings shall however adhere to the requirements of Section 506A and shall be broken only at points of vehicular or pedestrian access or utility easements.

SEASONAL LAND USE PERMIT: A Land Use Permit issued seasonally by the Zoning Officer which authorizes the placement of a recreational vehicle or camping unit in a campground situated in any designated floodplain in Wayne Township. (See also Section 1202 K.)

SEASONAL DWELLING, CAMP, OR CABIN: A permanent building(s) intended for occupancy only occasionally during the year, including buildings intended as camps, cottages, lodges, hunting cabins, vacation homes and similar seasonally-used dwellings. For purposes of this Ordinance, a recreational vehicle shall not be considered to be a seasonal dwelling, camp, or cabin, but may be used on a temporary or seasonal basis.

SEWAGE FACILITY: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other wastes.

SEWAGE SYSTEM, COMMUNITY: A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

SEWAGE SYSTEM, INDIVIDUAL: A sewage facility, whether publicly or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating, and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

SEXUAL ACTIVITIES: For the purposes of this Ordinance, such activities shall include sexual stimulation or arousal of human genitals; acts of human masturbation, oral sex, sexual intercourse or sodomy; and/or fondling or other

erotic touching of human genitals, pubic region, buttock, or female breast.

SHOPPING CENTER: For the purposes of this Ordinance, a shopping center shall be defined as a group of three (3) or more commercial establishments which have been planned, developed and managed as a unit, whether contained in one (1) building or in several buildings on the same tract. This definition shall also include retail shopping complexes and shopping malls. (See also Section 416.)

SIGHT DISTANCE: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline. 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines. 3) The amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. (See also Section 504 C.2.)

SIGN: Any device, structure or object used for visual communication or for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any government. (See Section 700 for definitions of specific types of signs.)

SIGN AREA: The entire face of a single side of a sign, including all advertising surface and any framing, trim, molding, or border area, but excluding any supporting framework or bracing.

SIGN HEIGHT: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

SLAUGHTER HOUSE: A building or structure where animals are butchered. Such a facility may be associated with an animal husbandry operation or may be an independent, principal use in an Agricultural District. (See also Section 421.)

SLOPE: 1) The face of an embankment or cut section. 2) The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees, i.e. a ratio determined by dividing the vertical distance between two (2) points (change in elevation) by the horizontal distance measured between the same two (2) points.

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials. (See also HAZARDOUS MATERIALS, MUNICIPAL WASTE, and RESIDUAL WASTE.)

SPECIAL EXCEPTION USE: A use permitted in a certain zoning district as provided for in Article 3, the District Regulations, which must be approved by the Zoning Hearing Board as set forth in Section 1001 D. of this Ordinance. Special exception approval may not be granted for uses other than those expressly listed in Article 3.

SPECIAL PERMIT: A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring Special Permits and details for submission of applications for such activities.)

STABLE: A building in which one or more horses are boarded, whether or not for compensation, hire or sale, not including the boarding of horses for personal use.

STORAGE: A place or space for storing goods, articles of personal property, materials, etc.

STORAGE FACILITIES: See WAREHOUSING FACILITY.

STORAGE, UNENCLOSED: For the purposes of this Ordinance, unenclosed storage shall be defined as the outdoor or unenclosed accessory storage of materials, equipment or other items of personal property on a lot occupied by the owner of the item(s) being storage. The unenclosed storage of products or equipment used in the performance of agricultural activities may also be permitted on a lot or land not occupied by the owner of the item(s). (See also Section 427.)

STREET: Any thoroughfare, whether public or private, located in whole or in part within Wayne Township, excluding alleys. The word "road" may be used interchangeably with the word "street".

STREET LINE: The dividing line between the street right-of-way and the lot, also known as the right-of-way line.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, telecommunications towers, signs, but excluding fences, poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank, that is principally above ground, as well as a mobile or manufactured home.

- a. Structure, Accessory: A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure or use.
- b. Structure, Principal: The main or primary structure on a given lot.

STUDIO: A place where a musician, photographer, dancer, or artist does his work or gives lessons.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided however, that the subdivision by lease of

land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either a) before the improvement or repair or b) if the structure has been damaged and is being restored, before the damage occurred. The term also includes structures which have incurred substantial damage regardless of the actual work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SUPERMARKET: See GROCERY STORE.

SUPERVISORS OR TOWNSHIP SUPERVISORS: The Board of Supervisors of Wayne Township, Clinton County, PA; the elected governing body of the municipality.

SWIMMING POOL: A body of water in an artificial container, whether located in or above the ground, having a depth at any point of more than two (2) feet or a surface area of more than 250 square feet, used or intended to be used for swimming by children and/or adults.

TEMPORARY LAND USE PERMIT: A Land Use Permit authorized by the Zoning Officer for a non-permanent building, structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Township, or for temporary uses or structures. (See also Section 1202 J.)

TEMPORARY STRUCTURE: A non-permanent structure or building which is located on a lot in the Township for a specified duration.

TEMPORARY USE: A short-term use or special activity which occurs in the Township, including but not limited to, carnivals, circuses, open-air cultural, religious, or sporting events. Although such a use may be held periodically, in order to retain its temporary status, it may not be an on-going operation or use.

TRUCK TERMINAL: Any building or premises upon which a business, service or

industry involving the maintenance, servicing, storage or repair of commercial vehicles is located or conducted, including the dispensing of motor fuel or other petroleum products, the sale of accessories or equipment for motor vehicles, or the storage of freight or cargo. Such uses may also include overnight accommodations and restaurant facilities intended primarily to serve the needs of drivers or the motoring public if approved by the proper Township officials. (See also Section 419.)

TREE FARM: Land used for the purpose of growing trees for sale.

UNENCLOSED STORAGE: See STORAGE, UNENCLOSED.

USE: The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

a. Use, Accessory: A use subordinate to the principal use of a building, structure or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.

b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

VARIANCE: A modification of the provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1002 C. for additional details and criteria to be utilized when a variance is requested.)

VETERINARY CLINIC: An establishment housing three (3) or veterinarians or animal specialists, where animals are examined and treated, but where no boarding of animals is provided. (See also Section 414.)

WALL: A vertical architectural structure that serves to define and divide space, especially the sides of a building that connects the foundation to the roof.

WAREHOUSING FACILITY: A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation, and those facilities available to the general public. (See also MINI-STORAGE WAREHOUSES.)

WATER FACILITY: Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SYSTEM: A water facility providing potable water to individual lots or the public for human consumption.

a. Water System, Non-Public: All water systems which are not public water

systems.

- b. Water System, Off-Lot: An approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building.
- c. Water System, On-Lot: A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.
- d. Water System, Public: A water system as defined by the PA Department of Environmental Protection which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, the United States Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the United States Fish and Wildlife National Wetland Inventory, and a wetland area designated by a river basin commission.

YARD: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

- a. Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.
- b. Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.
- d. Yard, Required: The minimum area or open space required by this Ordinance to be provided between any front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.

ZONING HEARING BOARD: The Zoning Hearing Board of Wayne Township, Clinton County, PA; appointed by the Township Supervisors.

ZONING MAP: The official Zoning Map of Wayne Township, Clinton County, PA, together with all notations, references and amendments which may hereafter be

enacted. Said map is made a part of this Ordinance as set forth in Section 202.

ZONING OFFICER: The administrative officer duly appointed by the Township Supervisors and charged with the duty of enforcing the provisions of this Ordinance, the Wayne Township Zoning Ordinance.

ZONING PERMIT: See LAND USE PERMIT.

ARTICLE 14

MISCELLANEOUS PROVISIONS AND ENACTMENT

1400 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control.

1401 REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Wayne Township Zoning Ordinance, enacted on November 24, 1992, and any subsequent amendments which may have been made thereto. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

1402 SEVERABILITY AND VALIDITY

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Township Supervisors, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

APPENDICES

Appendix A. Variance Procedure

Appendix B. Special Exception Procedure

Appendix C. Ordinance Amendment Procedure

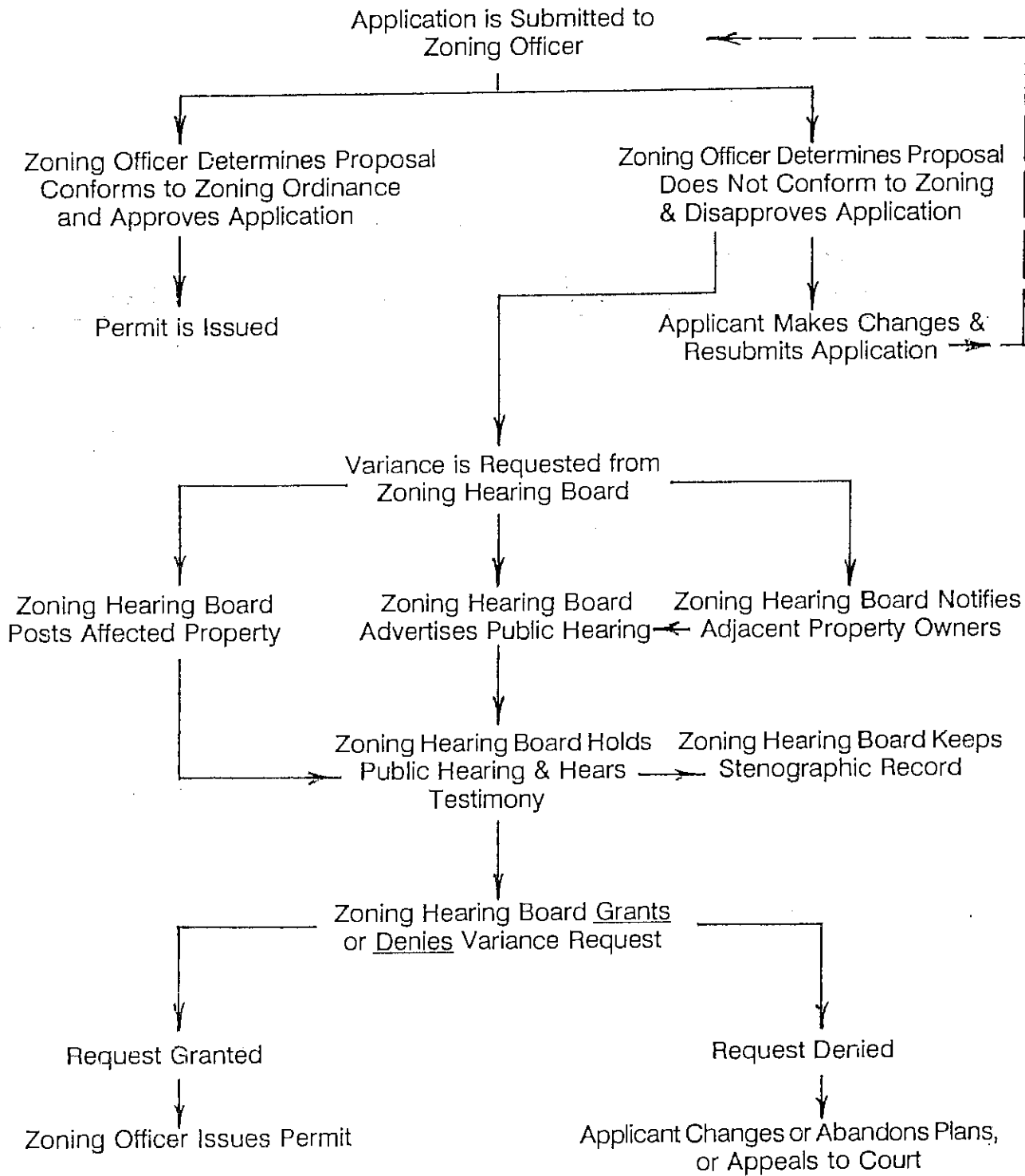
Appendix D. Conditional Use Procedure

Appendix E. Table of Uses

Appendix F. Table of Area and Bulk Requirements

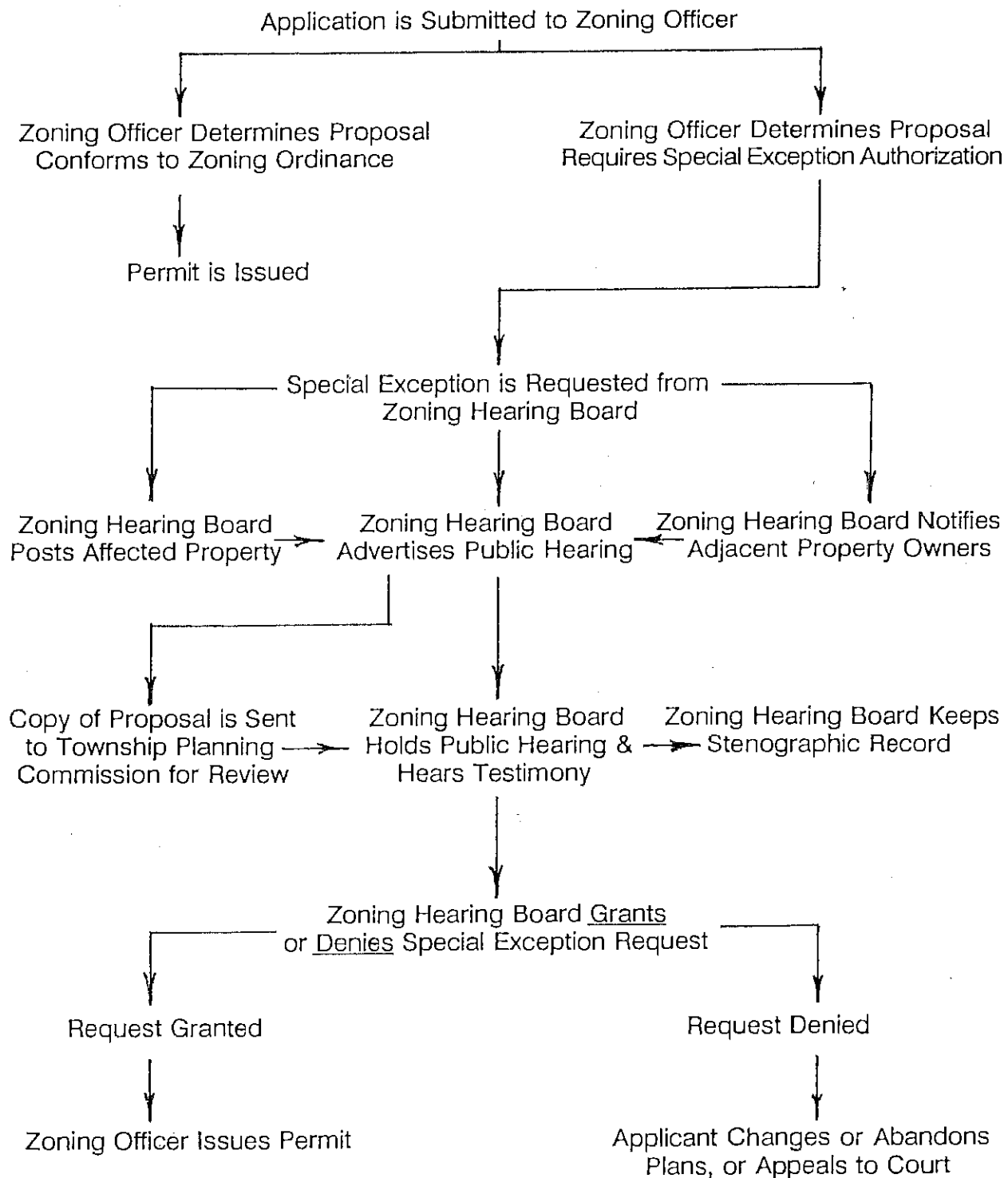
APPENDIX A

VARIANCE PROCEDURE



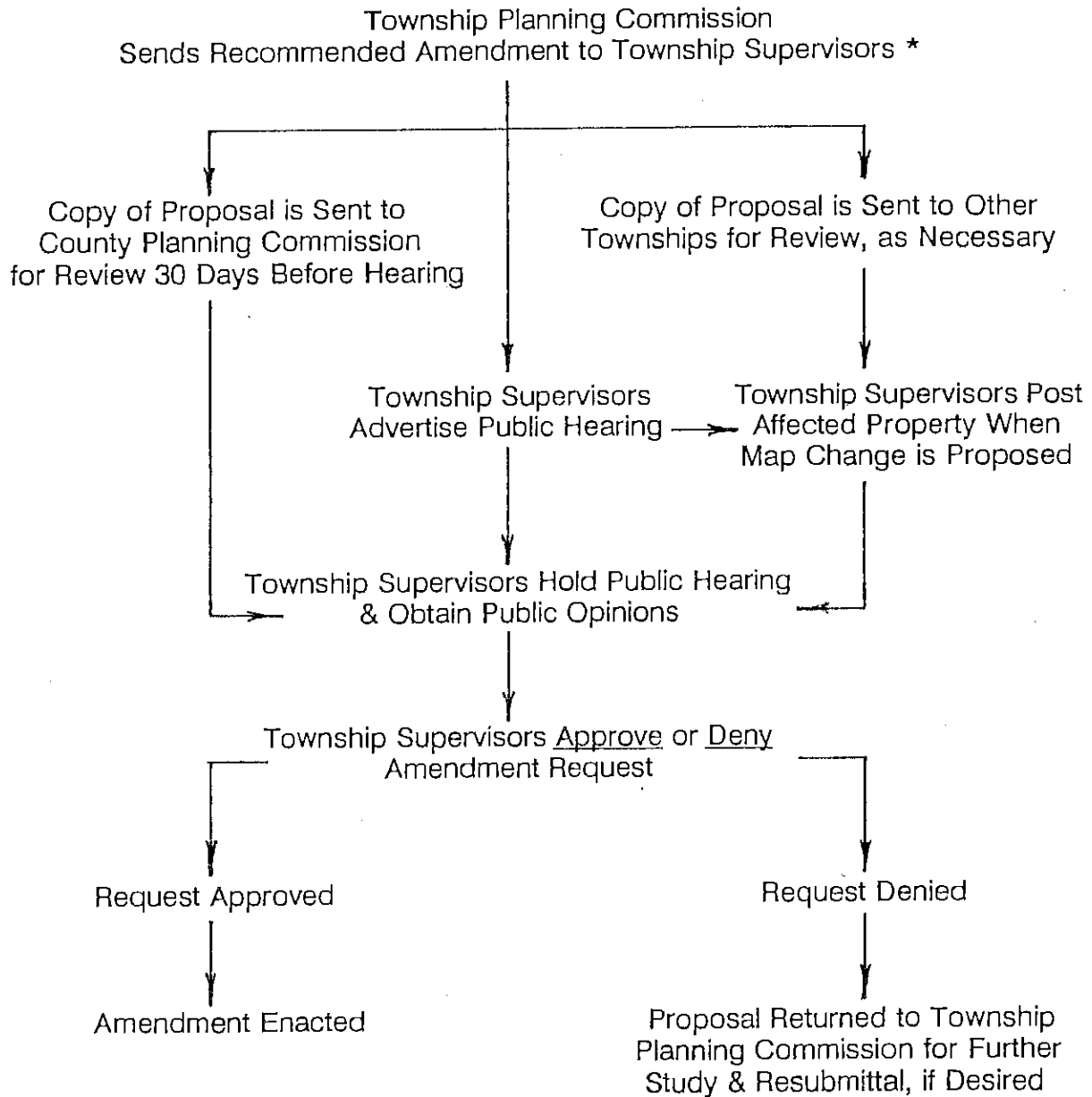
APPENDIX B

SPECIAL EXCEPTION PROCEDURE



APPENDIX C

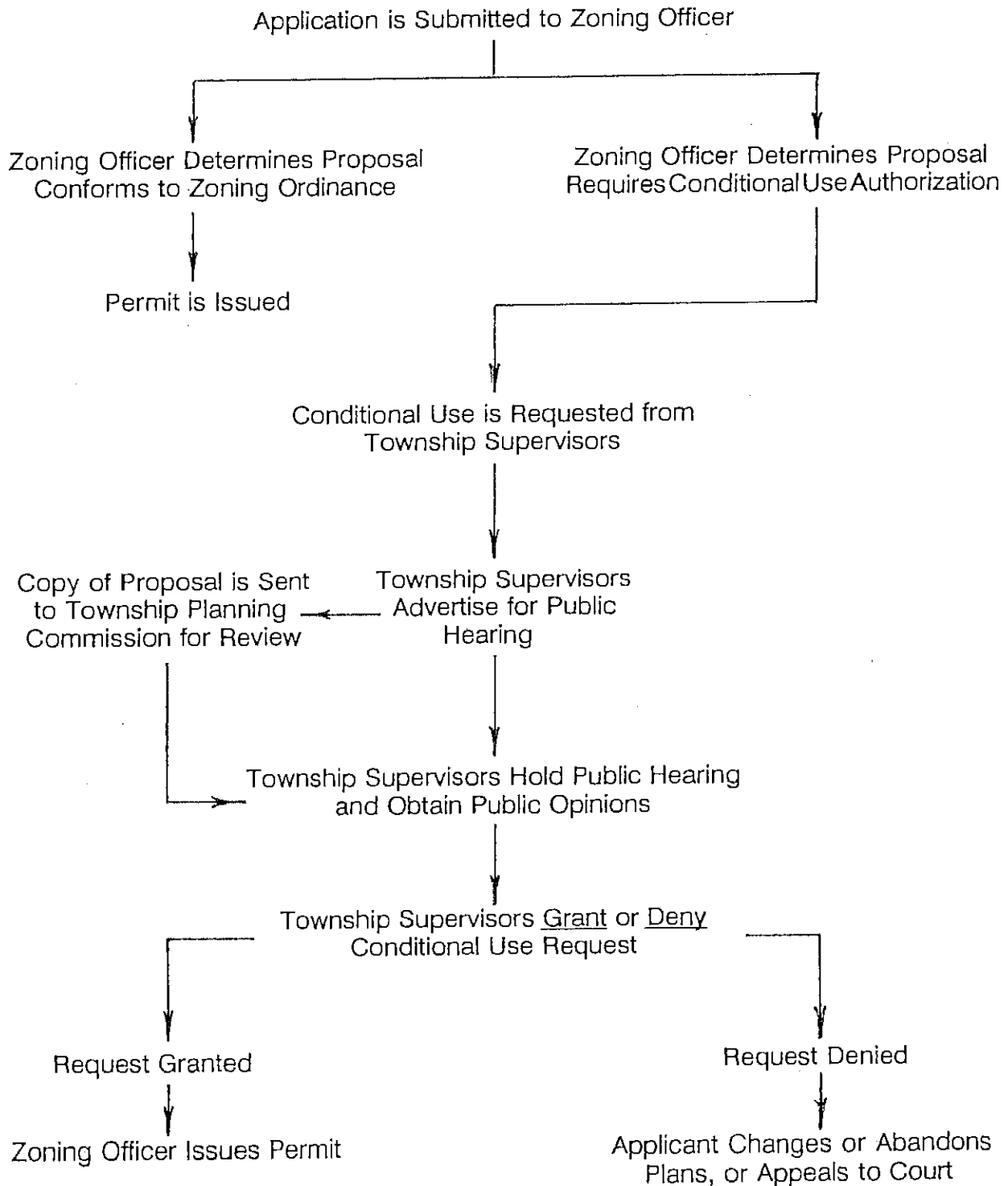
PROCEDURE FOR AMENDING THE ZONING ORDINANCE



* If the amendment is prepared by a party other than the Township Planning Commission, then the Township Supervisors must send the proposal to the Planning Commission for their review and recommendations at least 30 days prior to the public hearing.

APPENDIX D

CONDITIONAL USE PROCEDURE



APPENDIX E

WAYNE TOWNSHIP ZONING ORDINANCE

TABLE OF USES

| USES | DISTRICTS | | | | | | | |
|---|------------|------------|-----------|-----------|-----------|-----------|----------|------------|
| | <u>R-1</u> | <u>R-2</u> | <u>MU</u> | <u>VC</u> | <u>HI</u> | <u>LI</u> | <u>A</u> | <u>O/R</u> |
| <u>Residential</u> | | | | | | | | |
| Bed & breakfast establishments | P | P | P | P | - | - | P | - |
| Conversion apartments | P | P | P | P | - | - | - | P |
| Mobile home parks | - | P | - | - | - | - | - | - |
| Multi-family dwelling structures | - | C | - | - | - | - | - | - |
| Planned residential development | - | P | - | - | - | - | - | - |
| Single family detached dwellings | P | P | P | P | - | - | P | P |
| <u>Institutional</u> | | | | | | | | |
| Animal hospital &/or veterinary clinic | SE | - | SE | - | - | - | SE | - |
| Cemeteries, inc. mausoleums | SE | - | SE | - | - | - | - | - |
| Churches or places of worship | SE | - | SE | - | - | - | - | P |
| Clubs, lodges or fraternal organ. | - | - | SE | SE | - | - | - | - |
| Correctional institutions | - | - | - | - | C | - | - | - |
| Day care centers | - | - | C | SE | C | - | - | - |
| Government & non-profit uses, inc. libraries, museums, fire or police stations, post offices, or municipal bldgs. | P | P | P | P | - | - | - | - |
| Group day care homes | - | - | C | SE | - | - | - | - |
| Group homes | C | C | C | C | - | - | C | C |
| Hospitals & health care bldgs. | - | - | - | - | C | - | - | - |
| Institutional residences | - | - | - | - | C | - | - | - |
| Medical clinics | - | - | - | - | SE | - | - | - |
| Nursing homes | - | C | - | - | - | - | - | - |
| Personal care homes | - | C | SE | - | C | - | - | - |
| Pre-schools (private)/social services | - | - | - | - | C | - | - | - |
| Public utility improvements | C | C | C | C | C | C | C | C |
| Schools, public or private | SE | - | SE | - | - | - | - | - |
| Water supply reservoir &/or treatment plants | - | - | - | - | - | - | - | P |
| <u>Commercial</u> | | | | | | | | |
| Adult entertainment establishments | - | - | - | - | - | C | - | - |
| Antique shops | - | - | P | P | - | - | - | - |
| Automobile &/or manufactured home sales & service facilities | - | - | - | - | C | - | - | - |
| Automobile repair garages | - | - | SE | SE | SE | - | - | - |
| Automobile service stations | - | - | SE | SE | SE | - | - | - |
| Car washes | - | - | SE | SE | - | - | - | - |
| Communications antennae, towers, &/or equipment buildings | - | - | SE | - | SE | SE | SE | P |

(Continued on Next Page)

TABLE OF USES

Page 2

| USES | DISTRICTS | | | | | | | |
|--|------------|------------|-----------|-----------|-----------|-----------|----------|------------|
| | <u>R-1</u> | <u>R-2</u> | <u>MU</u> | <u>VC</u> | <u>HI</u> | <u>LI</u> | <u>A</u> | <u>O/R</u> |
| Commercial (Continued) | | | | | | | | |
| Contractor or craftsman's shops & offices, inc. carpenters, plumbers, electricians, printers, landscapers, etc. | - | - | P | - | - | - | - | - |
| Excavating or construction contractor's shops or offices | - | - | SE | - | - | - | - | - |
| Funeral homes or mortuaries | - | - | P | P | - | - | - | - |
| Hotels, motels or similar lodging facil. | - | - | - | - | C | - | - | - |
| Kennels | - | - | SE | - | - | - | - | - |
| Personal service establishments, inc. barber, beautician, & shoe repair | - | - | P | P | - | - | - | - |
| Professional business offices, inc. financial institutions, real estate & insurance offices, medical & dental offices, architect or engineer, etc. | - | - | P | C | C | - | - | - |
| Professional studios, inc. artists, photographers, music & dance schools, etc. | - | - | P | P | - | - | - | - |
| Restaurants | - | - | - | C | SE | - | - | - |
| Retail stores | - | - | - | C | SE | - | - | - |
| Sales, service and repair shops for agricultural equipment | - | - | - | - | - | - | C | - |
| Sales, service and repair shops for radio, TV, furniture, bicycles, lawn mowers, or appliances | - | - | P | C | - | - | - | - |
| Sawmills or planing mills | - | - | C | - | - | - | - | - |
| Shopping centers | - | - | - | C | C | - | - | - |
| Industrial | | | | | | | | |
| Assembly plants | - | - | - | - | - | SE | - | - |
| Bulk storage facilities for petroleum or similar products | - | - | - | - | - | C | - | - |
| Demolition sites | - | - | - | - | - | C | - | - |
| Excavation or contractor's garage, repair, &/or storage yards | - | - | - | - | - | SE | - | - |
| Industrial parks | - | - | - | - | - | C | - | - |
| Junk yards or salvage operations | - | - | C | - | - | C | - | - |
| Laboratories &/or research facilities | - | - | - | - | - | C | - | - |
| Machine shops | - | - | - | - | - | SE | - | - |
| Manufacturing, wholesaling, &/or distribution uses | - | - | - | - | - | SE | - | - |
| Mining & extractive operations | - | - | - | - | - | - | - | C |
| Mini-storage warehouses | - | - | - | SE | SE | SE | - | - |
| Printing or publishing firms | - | - | - | - | - | SE | - | - |
| Recycling drop-off centers | - | - | SE | - | SE | SE | - | - |
| Sanitary landfills | - | - | - | - | - | C | - | - |
| Truck terminals | - | - | - | - | - | C | - | - |
| Warehousing or storage facilities | - | - | - | - | SE | SE | - | - |

(Continued on Next Page)

TABLE OF USES
Page 3

| USES | DISTRICTS | | | | | | | |
|---|------------|------------|-----------|-----------|-----------|-----------|----------|------------|
| | <u>R-1</u> | <u>R-2</u> | <u>MU</u> | <u>VC</u> | <u>HI</u> | <u>LI</u> | <u>A</u> | <u>O/R</u> |
| <u>Agricultural</u> | | | | | | | | |
| Agricultural uses, inc. land cultivation, forestry, & horticulture | P | P | P | P | - | - | P | P |
| Animal husbandry | - | - | - | - | - | - | P | - |
| Concentrated animal feeding operatns. | - | - | - | - | - | - | C | - |
| Farm-related businesses | - | - | - | - | - | - | SE | - |
| Forest product processing, inc. on-site sawmills, planing mills, etc. | - | - | - | - | - | - | - | C |
| Nurseries, greenhouses &/or garden shops | - | - | P | - | - | - | P | - |
| Riding academies, stables or livery | - | - | SE | - | - | - | P | P |
| Roadside stands | - | - | - | - | - | - | P | - |
| Wholesale or retail sale of forest products produced on-site | - | - | - | - | - | - | - | C |
| Wildlife or game preserves | - | - | - | - | - | - | - | P |
| <u>Recreational</u> | | | | | | | | |
| Campgrounds or RV parks | - | - | C | - | - | - | C | SE |
| Cottage developments | - | - | - | - | - | - | - | SE |
| Parks & recreation areas | P | P | P | P | - | - | - | - |
| Commercial outdoor recreation facilities | - | - | - | - | - | - | C | C |
| Seasonal dwellings, camps or cabins | - | - | - | - | - | - | - | P |
| <u>Accessory</u> | | | | | | | | |
| Accessory agricultural buildings | P | P | P | - | - | - | P | P |
| Accessory residential uses | - | - | P | P | - | - | - | - |
| Customarily incidental uses or structures | P | P | P | P | P | P | P | P |
| Family day care homes | P | P | P | P | - | - | - | - |
| Home occupations | P | P | P | P | - | - | P | P |
| Off-street parking &/or loading | - | - | P | P | P | P | P | P |
| Private garages & carports | P | P | - | P | - | - | - | - |
| Private swimming pools | P | P | P | P | P | - | P | P |
| Roadside stands | - | - | - | - | - | - | P | - |
| Signs | P | P | P | P | P | P | P | P |
| Unenclosed storage | P | P | P | P | P | P | P | P |

P - Permitted Use
SE - Special Exception Use
C - Conditional Use

APPENDIX F

WAYNE TOWNSHIP ZONING ORDINANCE

TABLE OF AREA & BULK REQUIREMENTS *

| Zone | Minimum Lot Area | Minimum ¹ Lot Width | Front ² | Minimum Yard Setbacks ³ - - - - Side (each) | Rear | Maximum Height | Max. Bldg. Coverage |
|------|---------------------------|--------------------------------|--------------------|---|---------|------------------------|----------------------|
| R-1 | No S or W - 40,000 sq.ft. | 100 ft. | 50 ft. | 15 ft. | 15 ft. | 35/35 ft. ³ | 25% |
| | S &/or W - 20,000 sq.ft. | 100 ft. | 50 ft. | 15 ft. | 15 ft. | 35/35 ft. | 25% |
| R-2 | No S or W - 40,000 sq.ft. | 100 ft. | 50 ft. | 15 ft. | 15 ft. | 35/35 ft. | 25% |
| | S or W - 20,000 sq.ft. | 100 ft. | 50 ft. | 15 ft. | 15 ft. | 35/35 ft. | 25% |
| | S & W - 20,000 sq.ft. | 80 ft. | 50 ft. | 15 ft. | 15 ft. | 35/35 ft. | 25% |
| MU | 1 acre | 100 ft. | 50 ft. | 25 ft. | 50 ft. | 35/35 ft. | 20% |
| VC | No S or W - 40,000 sq.ft. | 60 ft. | 50 ft. | 10 ft. | 25 ft. | 35/35 ft. | 20%/50% ⁴ |
| | S or W - 20,000 sq.ft. | 60 ft. | 50 ft. | 10 ft. | 25 ft. | 35/35 ft. | 20%/50% |
| | S & W - 20,000 sq.ft. | 60 ft. | 50 ft. | 10 ft. | 25 ft. | 35/35 ft. | 20%/50% |
| HI | 1 acre | 100 ft. | 50 ft. | 25 ft. | 50 ft. | 35/35 ft. | 70% ⁵ |
| LI | 1 acre | 100 ft. | 50 ft. | 25 ft. | 25 ft. | 45/45 ft. | 70% ⁵ |
| A | 1 acre | 100 ft. | 50 ft. | 25 ft. | 25 ft. | 45/45 ft. | --- |
| O/R | 2 acres | 200 ft. | 100 ft. | 50 ft. | 100 ft. | 35/35 ft. | 10% |

* NOTE: See also Lot, Yard, & Open Space Requirements in Article 3 for each zoning district and the Supplementary Use Regulations in Article 4 for dimensional standards for specific uses.

¹ Measured at minimum building setback line.

² Measured from edge of road right-of-way.

³ Principal structures/Accessory structures.

⁴ Residential Uses - 20% Max. Building Coverage; Commercial Uses - 50% Max. Impervious Surface.

⁵ Maximum impervious surface.

S - Public or Community Sewer

W - Public or Community Water

WAYNE TOWNSHIP
SUPPLEMENTAL ORDINANCES
(Supplement to Wayne Township Zoning Ordinance Adopted 7/15/2002)

Directory of Supplemental Ordinances:

1. **Ordinance No. 6.18.01: Weight Limit Ordinance**
 An Ordinance of Wayne Township Restricting Vehicle Weights on
 Certain Roads within the Township.

2. **Ordinance No. 3.18.02: Junk Yard Ordinance**
 An Ordinance Amending The Ordinance Regulating the
 Accumulation, Storage or Keeping of Salvage Materials or Abandoned
 or Junked Automobiles and of Rubbish and Certain Other Personal
 Property on Private or Public Property.

3. **Ordinance No. 5.20.02: Storm water Management Ordinance**
 An Ordinance Providing For Storm water Management In Wayne
 Township, Clinton County, Pennsylvania

4. **Ordinance No. 10.21.02: Animal Husbandry**
 An Ordinance Amending Ordinance No. 7.15.2002

5. **Ordinance No. 12.10.02: Noise Ordinance**
 An Ordinance of Wayne Township Prohibiting the Keeping of
 Animals Making Disturbing Noises

6. **Ordinance No. 7.21.03.01: Rental of space for Commercial Vehicles**
 An Ordinance Amending Ordinance 7.15.2002

7. **Ordinance No. 7.21.03.2: Amendment of Zoning Map**
 An Ordinance Amending Ordinance 7.15.2002 of the Wayne
 Township Zoning Ordinance.



8. Ordinance No. 4.26.04: Non-Commercial, Non-Profit Animal Husbandry - An Ordinance Amending Wayne Township Zoning Ordinance 7.15.2002
9. Ordinance No. 5.17.04: Addition of Retail Sales of Sporting Goods To MU District as a Conditional Use - An Ordinance Amending Wayne Township Zoning Ordinance 7.15.2002
10. Ordinance No. 7.18.2005.01: Amendment of Zoning Map - An Ordinance Amending Wayne Township Zoning Ordinance 7.15.2002
11. Ordinance No. 12.15.08: An Ordinance Governing Sewers and Sewage Disposal Regulating and Managing On-Lot Disposal Systems a/k/a OLDS Ordinance
12. Ordinance No. 7.20.2009: Amendment of Article 3, Section 307 of the Wayne Township Zoning Ordinance No. 7.15.2002, adding Wastewater Treatment Facilities For Natural Gas/Gas Production as a Conditional Use
13. Ordinance No. 04.19.2010: Amendment of Zoning Map - An Ordinance Amending Wayne Township Zoning Ordinance 7.15.2002
14. Ordinance No. 03.21.2011: Amendment of Zoning Map - An Ordinance Amending Wayne Township Zoning Ordinance 7.15.2002
15. Ordinance No. 08-15-2011: Amendment of Wayne Township Zoning Ordinance No. 7.15.2002, Adding Water Extraction as a Conditional Use

1. The first step in the process of identifying a problem is to define the problem clearly. This involves understanding the current situation, identifying the gap between the current state and the desired state, and determining the scope of the problem.

2. Once the problem is defined, the next step is to generate potential solutions. This can be done through brainstorming, research, or consulting with experts. It is important to consider a wide range of options, even those that seem unconventional.

3. After generating potential solutions, the next step is to evaluate them. This involves comparing the solutions against the criteria that were used to define the problem. It is important to consider both the short-term and long-term implications of each solution.

4. Once a solution has been selected, the next step is to implement it. This involves developing a plan of action, allocating resources, and monitoring progress. It is important to be flexible and willing to adjust the plan as needed.

5. Finally, the last step in the process is to evaluate the results. This involves comparing the actual outcomes to the desired outcomes and determining whether the problem has been solved. If not, the process may need to be repeated.

6. In addition to these steps, it is important to consider the ethical implications of the solutions. It is important to ensure that the solutions do not cause harm to others and that they are fair and just.

7. Finally, it is important to communicate the results of the process. This involves sharing the findings with the relevant stakeholders and providing a clear explanation of the reasoning behind the chosen solution.

8. The process of problem-solving is an iterative one, and it is often necessary to revisit previous steps as more information is gathered or as the situation evolves. It is important to remain open-minded and flexible throughout the process.

16. Ordinance No. 10.24.2011: Amendment Of Wayne Township Ordinance No. 7.15.2002, Adding An AO - Airport District Overlay
17. Ordinance No. 12.15.97: An Ordinance Prohibiting Certain Nuisances
18. Ordinance No. 62-1995: An Ordinance Establishing a Business License

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are listed below each name. The list includes names such as Mr. John Doe, Mr. Jane Smith, and Mr. Robert Brown, with their respective street addresses and cities.

2. The second part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are listed below each name. The list includes names such as Mr. John Doe, Mr. Jane Smith, and Mr. Robert Brown, with their respective street addresses and cities.

3. The third part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are listed below each name. The list includes names such as Mr. John Doe, Mr. Jane Smith, and Mr. Robert Brown, with their respective street addresses and cities.

ORDINANCE

6,18.01

**AN ORDINANCE OF WAYNE TOWNSHIP RESTRICTING VEHICLE WEIGHTS ON
CERTAIN ROADS WITHIN THE TOWNSHIP**

The Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, hereby ordains as follows:

SECTION 1: Words and phrases, when used in this Ordinance, shall have the meanings subscribed to them in Pennsylvania's Vehicle Code (Act of June 17, 1976, P. L. 162 No. 81, 75 Pa. C.S.A. Section 101 at seq.), as amended, except that, in this Ordinance, the word "road" may be used interchangeably with the word "highway", and shall have the same meaning as "highway" as defined in Pennsylvania's Vehicle Code.

SECTION 2: On the following roads of the Township, by authority granted by Section 4902 (a) of the Vehicle Code (75 Pa. C.S.A. Section 4902 (a)), it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that road:

| <u>ROAD</u> | <u>MAXIMUM GROSS WEIGHT</u> |
|--|-----------------------------|
| Reservoir Road (Township Road No. 566) | 20,000 lbs. |
| Pine/Loganton Road (Township Road No. 418) | 20,000 lbs. |
| Church Road (Township Road No. 422) | 20,000 lbs. |
| Campground Road (Township Road No. 423) | 20,000 lbs. |
| Spook Hollow Road (Township Road No. 425) | 20,000 lbs. |
| Linnwood Drive (Township Road No. 427) | 20,000 lbs. |

| | |
|--|-------------|
| Old Hall Road (Township Road No. 428) | 20,000 lbs. |
| Fritz Road (Township Road No. 563) | 20,000 lbs. |
| Shoemaker Road (Township Road No. 419) | 20,000 lbs. |
| McKinney Road (Township Road No. 420) | 20,000 lbs. |
| Riverview Road (Township Road No. 421) | 20,000 lbs. |

SECTION 3: Any person who violates any provision of this Ordinance shall be prosecuted under Sections 4902 (a) and 4902 (g-1) of the Pennsylvania Vehicle Code (75 Pa. C.S.A. Section 4902 (a) and 4902 (g-1) and, upon conviction, shall be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars plus One Hundred Fifty (\$150.00) Dollars for each five hundred (500) pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight, plus costs.

SECTION 4: If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Wayne Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5: This amendment shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township,
Clinton County, Pennsylvania, this 18th day of June, 2001, in lawful session
duly assembled.

ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA

Harlene MacAllen
Secretary

By: James E. Bowen
Supervisor

By: James B. Maguire
Supervisor

By: David Calhoun
Supervisor

ORDINANCE NO. 3.18.02

AN ORDINANCE AMENDING THE ORDINANCE REGULATING THE
ACCUMULATION, STORAGE OR KEEPING OF SALVAGE MATERIALS OF
ABANDONED OR JUNKED AUTOMOBILES AND OF RUBBISH AND CERTAIN
OTHER PERSONAL PROPERTY ON PRIVATE OR PUBLIC PROPERTY

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, deems it to be in the best interest and general welfare of the citizens and the residents of Wayne Township to regulate the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of the rights of persons of property or has the likely potential to cause injury, hurt or damage to the health, cleanliness, comfort, or safety of persons; and

WHEREAS, Section 702, et seq., of the Second Class Township Code, 1933, May 1, P. L. 103, Article VII, Section 702, as amended (53 P. S. Sections 65712, 65741, 65751, 65758, and 65762), authorize Townships of the Second Class to make such regulations, by ordinance, not inconsistent with State laws and regulations, as may be necessary for the promotion of the health, cleanliness, comfort and safety of the citizens of the township; and also, to regulate and license junk dealers and the establishment and maintenance of junk yards and scrap yards including, but not limited to, automobile junk or grave yards and to prescribe license fees therefor; and

WHEREAS, the Supervisors of Wayne Township enacted an Ordinance regulating the accumulation, storage or keeping of salvage materials or junked vehicles on October 19, 1992; and

WHEREAS, the Supervisors of Wayne Township desire to amend said Ordinance.

NOW, THEREFORE, the Supervisors of Wayne Township do hereby enact and ordain as follows:

SECTION I DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number and the word "shall" is always mandatory and not merely directory.

- A. **"Township"** is Wayne Township, Clinton County, Pennsylvania.
- B. **"Board of Supervisors"** is the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania.
- C. **"Owner"** is a person owning, leasing, occupying, in possession, or having charge of any premises within the Township. There may be more than one owner for any given property, and their liability for purposes of this Ordinance is overlapping.
- D. **"Person"** shall mean and include any natural person, firm, partnership, association, corporation, company, or organization of any kind.
- E. **"Nuisance"** shall mean the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his rights of person or property or which has the likely potential to cause injury, damage, or hurt to any person.
- F. **"Abandoned Vehicles"** shall mean any unsheltered vehicle not stored within a garage, other enclosure or covered or out of view:

1. That is inoperable and is left unattended on public property for more than forty-eight (48) hours; or
2. That has remained illegally on public property for a period of more than forty-eight (48) hours; or
3. Is left unattended on or along a Township or State Highway without a valid registration plate or certificate of inspection; or
4. Is without a valid registration plate or certificate of inspection and that has remained on private property with or without the consent of the owner or person in control of the property for more than thirty (30) days.

Exceptions:

1. Vehicles left for repair at a bona fide automotive repair shop or vehicles and equipment used or to be used in construction or in the operation or maintenance of public utility facilities, which are kept in a manner which does not interfere with the normal movement of traffic shall not be considered to be abandoned.
2. Any operable but unregistered or uninspected vehicle which is both capable of and primarily intended for active operation restricted to the property upon which it is located shall not be considered to be abandoned.

G. **“Junked Vehicles”** shall mean any unsheltered motor vehicle, which is inoperable or unable to meet the vehicle equipment and inspection standards under the “Pennsylvania Vehicle Code” to the extent that the cost of repairs would exceed the value of the repaired vehicle; except that, any operable but unregistered or uninspected vehicle which

is both capable of and primarily intended for active operation restricted to the property upon which it is located shall not be considered to be a "junked vehicle."

- H. **"Vehicle"** shall mean any vehicle propelled by a gas, diesel, or electric motor normally occupied, ridden or driven by a human, including but not limited to any type of motor vehicle.
- I. **"Junk Dealers and Junk Yards"** shall mean any person or place involved in salvage accumulation.
- J. **"Salvage Accumulation"** shall mean buying, selling, collecting, and/or maintaining abandoned or junk vehicles, including parts thereof, or any reusable materials.
 - 1. For purposes of this Ordinance salvage accumulation shall be classified as follows:
 - a. **"Salvage Accumulation – Commercial"** shall mean the existence of any person, partnership or corporation, engaged in a commercial or industrial enterprise of buying, selling, collecting, and/or maintaining abandoned or junk vehicles, including parts thereof, and reusable materials regardless of whether such business is for profit or not for profit.
 - b. **"Salvage Accumulation – Auxiliary to Commercial"** shall mean the existence of any person, partnership or corporation, engaged in a commercial or industrial enterprise of buying, selling, collecting and/or maintaining abandoned or junk vehicles, including parts thereof, and reusable materials as inventory materials, or for use in a different

commercial or industrial enterprise, or for any other use or purpose that is auxiliary to the commercial or industrial enterprise.

- c. **“Salvage Accumulation – Auxiliary to Residential or Farming”** shall mean the existence of any person, partnership or corporation, engaged in an enterprise of buying, selling, collecting, and/or maintaining abandoned or junk vehicles, including parts thereof, and reusable materials for commercial, industrial, farming or personal use at either their residence or farming location, or for any use or purpose that is auxiliary to either a residential use or farming enterprise.

K. **“Committee”** shall mean an advisory committee of three (3) members individually appointed by the majority of vote of the Wayne Township Board of Supervisors for a one (1) year term to review and recommend relative to issues and/or violations addressed in this Ordinance to the Zoning Officer and/or Township Supervisors.

L. **“Densely Populated”** shall mean an area, consisting of two (2) acres or less upon which more than one (1) dwelling is located, whether or not said acreage is owned by one (1) person or more than one (1) person.

M. **“Permits”** shall mean license.

N. **“Dwelling”** shall mean any building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

O. **“Salvage”** shall mean recyclable or otherwise reusable materials, articles or things possessing value in part, gross or aggregate, and abandoned and junk vehicles as defined

in this Section, including parts hereof. Salvage shall not mean rubbish, garbage or organic waste.

**SECTION II
DECLARATION OF UNLAWFUL SALVAGE
ACCUMULATION AND EXEMPTIONS**

A. SALVAGE ACCUMULATION OR STORAGE OF ABANDONED OR JUNKED VEHICLES WITHOUT A PERMIT DECLARED TO BE UNLAWFUL UNLESS STATED OTHERWISE IN THIS ORDINANCE

Salvage accumulation, including but not limited to the buying, selling, collecting, and/or maintenance of abandoned or junked vehicles, including parts thereof, and reusable materials without a permit is hereby declared to be unlawful, unless stated otherwise in this Ordinance. It shall be unlawful for any person to knowingly or intentionally keep or store the same on any private or public property within the Township.

B. SALVAGE ACCUMULATION EXEMPT FROM PENALTIES IMPOSED BY THIS ORDINANCE

Salvage accumulation may be exempt from penalties imposed by this Ordinance, if the owner complies with the standards established in Section III and applies for and maintains a permit pursuant to Section V. Nothing in this Ordinance protects licensee's from private causes of action based on private nuisance. Minor temporary accumulation of salvage other than vehicles or vehicle parts, when incidental to an active, time-limited construction or repair project to a residence or farm, is exempt, from licensing requirements and penalties so long as the setback requirements contained in this Ordinance are met.

**SECTION III
STANDARDS**

Persons, partnerships or corporations engaging in salvage accumulation shall be in full compliance with the following standards, and those standards, the Township may adopt from time to time.

A. PERMITS, FOR SALVAGE ACCUMULATION – COMMERCIAL, SALVAGE ACCUMULATION – AUXILIARY TO COMMERCIAL, AND SALVAGE ACCUMULATION – AUXILIARY TO RESIDENTIAL OR FARMING, WILL ONLY BE GRANTED TO THOSE OPERATIONS THAT HAVE BEEN:

1. Inspected by the Committee and/or representative appointed by the Township, which may be the Zoning Officer, and found to be within the guidelines of this and other Township Ordinances, taking into consideration the health, welfare and safety of the residents of the Township and any potential hazard which may result to adjacent properties and structures.
2. Every license hereunder shall constantly maintain the licensed premises in the manner herein prescribed:
 - a. Such premises shall at all times be maintained so as not to constitute a menace to the health and welfare of the community or to the residents nearby, or a place for the breeding of rodents or vermin.
 - b. No garbage or other waste may be stored on such premises, except as incidental and temporary waste products of a lawful use in that location.
 - c. The manner of storage and the arrangement of salvage and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the licensee's land and to facilitate access for inspection and fire fighting.

- d. There shall be at least sixteen (16) feet open space between each row of abandoned and/or junked vehicles. Abandoned and/or junked vehicles may be stored end-to-end (a double row) for purposes of this spacing requirement.
- e. No salvage shall be stored or accumulated within twenty (20) feet from the right-of-way lines of all abutting streets, roads or highways; no closer than fifty (50) feet from any existing dwelling erected upon premises adjacent to the licensed premises but in any event not less than a minimum distance of twenty (20) feet from property lines of all adjacent properties; no closer than fifty (50) feet from any river, stream, run, creek, floodplain or other natural watercourse in the Township, provided, however, that any such setback meets or exceeds the requirements of the Department of Environmental Protection (DEP) and any other State or Federal entity responsible for such resources. The area between the setback line and such right-of-way lines, other property lines and natural watercourses, shall be at all times kept clear and vacant, free of weeds, debris, and junk, including any abandoned and/or junked vehicles.
- f. No gasoline, oil or any other hazardous liquid or substance shall be stored less than a minimum distance of one hundred (100) feet from any river, stream, run, creek, or other natural watercourse in the Township.
- g. In no event shall any salvage be kept, stored or accumulated on a salvage accumulation site, nor any structure be erected to be used in connection

with a salvage accumulation facility, within five hundred (500) feet of any existing church, cemetery, school, playground, restaurant, motel or other place of public use or accommodation. PROVIDED: That nothing contained in this Subsection shall apply to existing structures used in connection with salvage accumulation uses presently established and operating which are otherwise in compliance with the provisions of this Ordinance or to any salvage presently kept, stored or accumulated thereon.

- h. ~~No more than two (2) abandoned and/or junked vehicles or major parts thereof may be stacked on top of one another.~~
- i. Salvage accumulation sites in Wayne Township shall at all times during normal hours of operation be open to inspection by a representative of the Township, which may be the Zoning Officer, as part of the licensing agreement.
- j. Burning of any refuse, rubbish, tires, old oil, gas in connection with said salvage accumulation, except as otherwise specifically permitted in the Township, is prohibited.

B. PERMITS, FOR SALVAGE ACCUMULATION – COMMERCIAL, WILL ONLY BE GRANTED TO THOSE OPERATIONS THAT MEET THE REQUIREMENTS OF SUBSECTION A, ABOVE, AND MEET THE FOLLOWING REQUIREMENTS:

- 1. ~~The facility shall be entirely enclosed by a fence at least eight (8) feet but no more than ten (10) feet in height constructed of approved fencing material with access only through gates inspected and approved by the Township Supervisors, taking~~

into account the recommendation of the Committee and/or the Supervisors' designated representative, which may be the Township Zoning Officer. Said fence shall contain opaque insets or other fencing material approved by the Township Supervisors, upon recommendation of the Committee and/or the Township's designated representative, which shall shield the view of the property from the public. In lieu of insets, an owner may, with the approval of the Township Supervisors upon recommendation of the Committee and/or the Township Supervisors' designated representative, provide another type of fencing, dense plantings of evergreen or other acceptable perennial species of a height equal to at least the height of the fence to shield the view of the property from the general public. Such fence, wall or planting shall be kept in good repair.

- a. Alternate screening or fencing may be proposed to the Township Supervisors through the Committee, and with its recommendation, but securing the site from intrusion by children is considered to be a critical requirement.
 - b. During normal hours of operation if gates are left open someone in the employ of the Salvage Accumulation – Commercial site must be present or the gates must be locked.
2. Off street parking for Salvage Accumulation – Commercial shall be provided within the licensed site, which site shall in no event be less than two (2) acres. A minimum of three (3) spaces and a maximum of twelve (12) spaces shall be provided within the site.

3. The owner of the Salvage Accumulation – Commercial site shall furnish and maintain general liability insurance, or a bond indemnifying the public and the Township, in the amount of Fifty Thousand (\$50,000.00) Dollars.

C. PERMIT, FOR SALVAGE ACCUMULATION – AUXILIARY TO COMMERCIAL, WILL ONLY BE GRANTED TO THOSE OPERATIONS THAT MEET THE REQUIREMENTS OF SUBSECTION A, ABOVE, AND MEET THE FOLLOWING REQUIREMENTS:

1. The facility shall be entirely enclosed by a fence at least eight (8) feet but no more than ten (10) feet in height constructed of approved fencing material with access only through gates inspected and approved by the Township Supervisors, taking into account the recommendation of the Committee and/or the Supervisors' designated representative, which may be the Township Zoning Officer. Said fence shall contain opaque insets or other fencing material approved by the Township Supervisors, upon recommendation of the Committee and/or the Township's designated representative, which shall shield the view of the property from the public. In lieu of insets, an owner may, with the approval of the Township Supervisors upon recommendation of the Committee and/or the Township Supervisors' designated representative, provide another type of fencing, dense plantings of evergreen or other acceptable perennial species of a height equal to at least the height of the fence to shield the view of the property from the general public. Such fence, wall or planting shall be kept in good repair.
 - a. Alternate screening or fencing may be proposed to the Township Supervisors through the Committee, and with its recommendation, but

securing the site from intrusion by children is considered to be a critical requirement.

- b. During normal hours of operation if gates are left open someone in the employ of the Salvage Accumulation – Auxiliary Commercial site must be present or the gates must be locked.
2. Off street owner or customer parking for Salvage Accumulation – Auxiliary to Commercial shall be provided within the licensed site, but in no event shall be less than:
 - a. For two (2) acres or more – three (3) spaces.
 3. No vehicle shall be kept on site for a period of longer than six (6) months.
 4. The owner of the Salvage Accumulation – Auxiliary to Commercial site shall furnish and maintain a bond indemnifying the public and the Township in the amount of Fifty Thousand (\$50,000.00) Dollars, or else maintain general liability insurance in at least that amount.

D. PERMITS, FOR SALVAGE ACCUMULATION – AUXILIARY TO RESIDENTIAL OR FARMING, WILL ONLY BE GRANTED TO THOSE OPERATIONS THAT MEET THE REQUIREMENTS OF SUBSECTION A, ABOVE AND MEET THE FOLLOWING REQUIREMENTS:

1. Every licensee of Salvage Accumulation – Auxiliary to Residence shall maintain abandoned vehicles, junked vehicles, and parts including tires thereof as follows:
 - a. Persons residing in densely populated residential districts shall not accumulate any abandoned vehicle(s) or junked vehicle(s).
 - b. Provided they have a minimum of one (1) contiguous acre, persons may accumulate one (1) abandoned or junked vehicle.

- c. Such vehicles shall not be closer than twenty (20) feet from any property line or street right-of-way.
 - d. Such vehicles that are partially stripped or dismantled or in the process of being stripped or dismantled shall be stored in a garage, or covered with a tarp when not being worked on.
 - e. Permits shall not be required for those areas which are not densely populated, as that term is defined in this Ordinance.
2. Every licensee of Salvage Accumulation – Auxiliary to Farming must maintain abandoned motor vehicles as follows:
 - a. Licensees shall not accumulate more than three (3) abandoned vehicles or junked vehicles.
3. The licensee may be required to furnish and maintain a bond indemnifying the public and the Township in the amount deemed to be reasonable by the Board of Supervisors.
4. Non-vehicle Salvage Accumulation – Auxiliary to Residential or to Farming is permitted without a license, so long as it does not constitute a violation of the setback requirements of this Ordinance. Any such accumulation that does constitute such a setback violation, is declared to be unlawful under this Ordinance.
5. For any property which adjoins densely populated areas as that term is defined in this Ordinance, Section III, Part A, Paragraph 2, e and f, and Part B, Paragraph 1 and 1a are incorporated herein by reference and the standards contained therein

shall be the standards applicable to this Part. Such premises shall at all times be maintained so as not to constitute a health, safety or environmental hazard as provided in this Ordinance.

6. Any property which adjoins densely populated areas as that term is defined in this Ordinance, shall be screened by natural fencing or constructed fencing of a minimum of eight (8) feet but no higher than ten (10) feet and kept in good repair.

SECTION IV PROHIBITIONS

- A. No person, partnership or corporation engaged in salvage accumulation shall violate, cause another person to violate, or acquiesce in the violation of any standard listed in this Ordinance.
- B. No person, partnership or corporation shall engage in salvage accumulation without a permit if any provision of this Ordinance requires such a permit.
- C. No person, partnership or corporation shall engage in accumulating rubbish, garbage or waste, unless specifically authorized by another Ordinance or Statute.
- D. No inoperable or unregistered vehicles can be stored on the premises, unless the owner can evidence to the Township with affirmative, documented evidence that it is not subject to the requirement for a permit under this Ordinance.
- E. Such premises shall at all times be maintained so as not to constitute a health, safety or environmental hazard as provided in this Ordinance.

SECTION V PERMITS

- A. Each and every person, partnership and corporation engaged in Salvage Accumulation – Commercial, Salvage Accumulation – Auxiliary to Commercial, and Salvage Accumulation – Auxiliary to Residential or Farming, shall apply for a salvage accumulation permit on a form prescribed by the Township.
- B. The Township Supervisors, through the Committee and/or its designated representative, which may be the Township Zoning Officer, shall investigate the qualifications and fitness of the applicant and shall issue a permit if it determines, based upon the recommendation of the Committee and/or its designated representative, that the applicant is capable of maintaining the standards of this Ordinance in a manner consistent with the public interest.
- C. Such permit shall be issued upon the condition that the same may be summarily revoked in the event the said licensee be found to have given any false information or in any way misrepresented any material fact upon which the issuing authority has relied in granting such permit.
- D. ~~All permits shall be renewed annually on or before the first day of July of each year.~~
- E. Permit applications will be such as the Township may from time to time adopt for the particular classification of salvage accumulation.
- F. A copy of the permit application and the permit shall be kept on file with the Township.
- G. A certified copy of the permit must be posted on the premises, or in case of Salvage Accumulation – Auxiliary to Residential and Farming, kept available on the premises of the residence or farm. If the applicant has or intends to have one or more places of

business or branches, the applicant shall post a certified copy of the permit for each location.

- H. An annual fee for every permit or renewal thereof shall be paid to the Township as provided for from time to time by resolution of the Board of Supervisors; provided, that the fee does not exceed Two Hundred (\$200.00) Dollars.

SECTION VI NOTICE OF VIOLATIONS

- A. When any salvage accumulation is found to be in alleged violation of this Ordinance, the Township may make a report of the alleged violation. The Board of Supervisors, or a representative of the Board, may file a complaint on oath or by affirmation specifying the Ordinance for the violation. The District Justice may commence the action by warrant or by summons. Warrants shall be returnable forthwith and upon such return like proceeding shall be had, as in cases of summary conviction. All fines and penalties collected for the violation shall be paid to the Township Treasury.
- B. Any person aggrieved may make complaint as to the legality of this Ordinance to the Court.

SECTION VII PENALTIES

If any person, partnership or corporation, after receiving thirty (30) days prior written notice by the Township Supervisors, shall fail, neglect, or refuse to correct or abate the unlawful salvage accumulation use; or shall be found guilty of violating the Ordinance by the District Justice:

- A. **CIVIL FINE.** Any person, partnership or corporation who shall violate the provisions of this Ordinance, or who shall fail or refuse to comply, shall pay a fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars. The fine shall be payable to the Township Treasury. In default of the payment of any fine or penalty imposed by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the person or persons that are charged may be sentenced and committed to the County Prison for a period not exceeding thirty (30) days. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction to enforce compliance herewith.
- B. **REVOCATION OF PERMIT.** The Township Supervisors may revoke the salvage accumulation permit of any person, partnership or corporation who shall violate the provisions of this Ordinance.
- C. **REMOVAL OF THE UNLAWFUL USE.** The Board of Supervisors may direct the removal of such unlawful salvage accumulation, upon determining the same to be a nuisance, to be done by the Township, its agents or employees, and the costs of such removal, together with a penalty of ten (10%) percent, shall be collected from the owner of the premises by an Action of Assumpsit or the Township may file a Municipal Claim or Lien therefor against such real estate.

- D. **ATTORNEY'S FEES.** In any successful prosecution of civil claim brought by the municipality under this Ordinance, the municipality shall also be awarded reasonable attorney's fee and costs.

**SECTION VIII
OTHER LEGAL ACTION**

- A. **PRIVATE CAUSE OF ACTION.** The provisions of this Ordinance do not prohibit individuals from instituting proceedings in any Court of Equity requesting the abatement of any public or private nuisance; a cause of action on the basis of any other Ordinance, regulation, or statute; and for public or private rights and damages arising from activities that violate this Ordinance.
- B. **ABATEMENT ACTION.** The Township Supervisors may institute proceedings in any Court of Equity requesting the abatement of such unlawful salvage accumulation use.

**SECTION IX
APPLICATION TO EXISTING SALVAGE ACCUMULATION**

- A. This Ordinance shall be liberally construed to effectuate the intent of public protection from activities that constitute a threat to public health and safety or an environmental hazard.
- B. Salvage accumulation sites existing at the time of this Ordinance shall have one hundred eighty (180) days to reach full compliance with terms of this Ordinance; nonetheless, if, in the opinion of the Township Supervisors, upon recommendation of the Committee and/or the Township's designated representative, which may be the Township Zoning Officer, it appears that the owner/operator of the salvage accumulation site situated within the Township has clearly demonstrated that he or she is making a continuing bona

... fide effort to comply with the provisions of this Ordinance, then, the Board of Supervisors may grant an extension of time, which shall be reasonable given the circumstances, to such owner or operator to comply with the provisions of this Ordinance upon any written request made by said owner/operator for such an extension of time.

- C. All Wayne Township Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.
- D. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County Pennsylvania, this 18th day of March, 2002, in lawful session, duly assembled. .

ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA

Marlene S. Macklem
Secretary

By: Kennd E Bower
Supervisor

By: James B Macmillan
Supervisor

By: Paul A. [Signature]
Supervisor

ORDINANCE NO. 5.20.02

**AN ORDINANCE PROVIDING FOR
STORMWATER MANAGEMENT IN WAYNE TOWNSHIP,
CLINTON COUNTY, PENNSYLVANIA**

5/14/2011

PER TIM HOLLADAY, DIRECTOR, Clinton County
Planning Department, per NPDES permitting,
recently adopted, when more than one Acre of
earth is disturbed, which requires an NPDES Permit
per DEP regs, the NPDES permitting process is
much more stringent than County and/or Township
requirements. As a result therefor, a copy
of the NPDES permit will satisfy our Stormwater
Management plan requirement, with NO need for a
local drainage plan. Should still be reviewed by
Township Engineer (NPDES Permit)

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| Article I – General Provisions..... | 4 |
| Section 101. Statement of Findings..... | 4 |
| Section 102. Purpose..... | 4 |
| Section 103. Statutory Authority..... | 5 |
| Section 104. Applicability..... | 5 |
| Section 105. Repealer..... | 5 |
| Section 106. Severability..... | 5 |
| Section 107. Compatibility with Other Ordinance Requirements..... | 6 |
| Section 108. Landowner Responsibility | 6 |
| Article II – Definitions..... | 6-13 |
| Article III – Stormwater Management..... | 13 |
| Section 301. Exemptions..... | 13 |
| Section 302. General Requirements..... | 14-16 |
| Section 303. Stormwater Management Requirements..... | 16-17 |
| Section 304. Water Quality Requirements..... | 17 |
| Section 305. Ground Water Recharge Requirements..... | 18-21 |
| Section 306. Stormwater Rate and Volume Controls..... | 21-22 |
| Section 307. Design Criteria for Stormwater Management Facilities.. | 22-26 |
| Section 308. Calculation Methodology..... | 26-28 |
| Section 309. Erosion and Sedimentation Requirements..... | 28 |
| Article IV – Drainage Plan Requirements..... | 28 |
| Section 401. General Requirements..... | 28-31 |
| Section 402. Drainage Plan Contents..... | 31-32 |
| Section 403. Plan Submission..... | 32 |
| Section 404. Drainage Plan Review..... | 32-34 |
| Section 405. Modification of Plans..... | 34 |
| Section 406. Resubmission of Disapproved Drainage Plans..... | 34 |
| Article V – Inspections..... | 34 |
| Section 501. Schedule of Inspections..... | 34-35 |

| | |
|--|-------|
| Article VI – Fees and Expenses..... | 35 |
| Section 601. General..... | 35 |
| Section 602. Wayne Township’s Plan Review Fee..... | 35 |
| Section 603. Expenses covered by Fees..... | 35 |
| Article VII – Maintenance Responsibilities..... | 36 |
| Section 701. Performance Guarantee..... | 36 |
| Section 702. Maintenance Responsibilities..... | 36 |
| Section 703. Maintenance Agreement for Privately Owned Stormwater Facilities..... | 36-37 |
| Section 704. Wayne Township’s Stormwater Maintenance Fund..... | 37 |
| Section 705. Post-Construction Maintenance Inspections..... | 37-38 |
| Article VIII – Enforcement and Penalties..... | 38 |
| Section 801. Right-of-Entry..... | 38 |
| Section 802. Notification..... | 38 |
| Section 803. Enforcement..... | 38-40 |
| Section 804. Public Nuisance..... | 40 |
| Section 805. Penalties..... | 40 |
| Section 806. Appeals..... | 41 |
| Appendix A | |
| Appendix B | |
| Appendix C | |
| Appendix D | |

ARTICLE I- GENERAL PROVISIONS

Section 101. Statement of Findings

The Board of Supervisors of Wayne Township finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of Wayne Township and all the people of the Commonwealth, their resources, and the environment.

Section 102. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within Wayne Township by minimizing the damages described in Section 101.A of this Ordinance through provisions designed to:

- A. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.
- B. Utilize and preserve the existing natural drainage systems.
- C. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
- D. Maintain existing flows and quality of streams and watercourses in the municipality and the Commonwealth.
- E. Preserve and restore the flood-carrying capacity of streams.
- F. Provide proper maintenance of all permanent stormwater management facilities that are constructed in Wayne Township.
- G. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

Section 103. Statutory Authority

Wayne Township is empowered to regulate land use activities that affect runoff by the authority of The Pennsylvania Municipalities Planning Code, as amended by Act 170 of December 21, 1988 and Act 131 of December 14, 1992, and Wayne Township's Zoning and Development/Subdivision Ordinances.

Section 104. Applicability

This Ordinance shall apply to those areas of Wayne Township that are located within its municipal boundaries.

~~This Ordinance shall only apply to permanent stormwater management facilities constructed as part of any of the Regulated Activities listed in this Section.~~ Stormwater management and erosion and sedimentation control during construction activities are specifically not regulated by this Ordinance, but shall continue to be regulated under existing laws and ordinances.

(Local stormwater management design criteria (e.g. inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by applicable Wayne Township Ordinances or at the Township Engineer's discretion.

The following activities are defined as "Regulated Activities" and shall be regulated by this Ordinance:

- A. Land development.
- B. Subdivision.
- C. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.).
- D. Construction of new buildings or additions to existing buildings.
- E. Diversion or piping of any natural or man-made stream channel.
- F. Installation of stormwater management facilities or appurtenances thereto.

Section 105. Repealer

Any ordinance or ordinance provision of Wayne Township inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 106. Severability

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 107. Compatibility with Other Ordinance Requirements

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable code, rule, statutes, or ordinance.

Section 108. Landowner Responsibility

The granting of an exemption, permit, or approval by the municipality, does not relieve the applicant from assuring that stormwater runoff from the development site will not cause injury to other persons or property.

ARTICLE II-DEFINITIONS

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained".

Accelerated Erosion - The removal of the surface of the land through the combined action of man's activity and the natural processes of a rate greater than would occur because of the natural process alone.

Agricultural Activities - The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

Alteration - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

Applicant - A landowner or developer who has filed an application for approval to engage in any Regulated Activities as defined in Section 104 of this Ordinance.

BMP (Best Management Practice) - Stormwater structures, facilities and techniques to maintain or improve the water quality of surface runoff.

Channel Erosion - The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

Cistern - An underground reservoir or tank for storing rainwater.

Conservation District - The Clinton County Conservation District.

Culvert - A structure with appurtenant works which carries a stream under or through an embankment or fill.

Dam - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. a 5-year storm) and duration (e.g. 24-hours), used in the design and evaluation of stormwater management systems.

Designee - The agent of Wayne Township involved with the administration, review or enforcement of any provisions of this ordinance by contract or memorandum of understanding.

Detention Basin - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

3

Developer - A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity of this Ordinance.

Development Site - The specific tract of land for which a Regulated Activity is proposed.

Downslope Property Line - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

Drainage Conveyance Facility - A Stormwater Management Facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage Easement - A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

Drainage Permit - A permit issued by Wayne Township after the drainage plan has been approved. Said permit is issued prior to or with final municipal approval. ↙

Drainage Plan - The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in Section 403.

Earth Disturbance - Any activity including, but not limited to, construction, mining, timber harvesting and grubbing which alters, disturbs, and exposes the existing land surface.

Erosion - The movement of soil particles by the action of water, wind, ice, or other natural forces.

Erosion and Sediment Pollution Control Plan - A plan, which is designed to minimize, accelerated erosion and sedimentation pursuant to 25 Pa. Code, Chapter 102.

Existing Conditions - The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate lower curve numbers or Rational "C" value, such as forested lands.

Flood - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

Floodplain - Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary - Mapped as being a special flood hazard area. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

Floodway - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

Forest Management/Timber Operations - Planning and activities necessary for the management of forest land. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

Freeboard - A vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

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

Grassed Waterway - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from cropland.

Groundwater Recharge - Replenishment of existing natural underground water supplies.

Impervious Surface - A surface that prevents the percolation of water into the ground.

Impoundment - A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

Infiltration Structures - A structure designed to direct runoff into the ground (e.g. french drains, seepage pits, seepage trench).

Inlet - A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Land Development - (i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

Land/Earth Disturbance - Any activity involving removing, grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

Main Stem (Main Channel) - Any stream segment or other runoff conveyance facility used as a reach in the stream.

Manning Equation in (Manning formula) - A method for calculation of velocity of flow (e.g. feet per second) and flow rate (e.g. cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

Municipality - Wayne Township, Clinton County, Pennsylvania.

Non-point Source Pollution - Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances or origin.

NRCS - Natural Resource Conservation Service (previously SCS).

Open Channel - A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full (for computational purposes).

Outfall - Point where water flows from a conduit, stream, or drain.

Outlet - Points of water disposal from a stream, river, lake, tidewater or artificial drain.

Parking Lot Storage - The use of impervious parking areas for temporary impoundment of stormwater with controlled release rates during rainstorms.

Peak Discharge - The maximum rate of stormwater runoff from a specific storm event.

Penn State Runoff Model - A computer-based hydrologic modeling technique.

Pipe - A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

Planning Commission - The Planning Commission of Wayne Township.

PMF - Probable Maximum Flood - The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

Rational Formula - A rainfall-runoff relation used to estimate peak flow.

Regulated Activities - Actions or proposed actions that have an impact on stormwater runoff and that are specified in Section 104 of this Ordinance.

Retention Basin - An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every twenty-five years.

Riser - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

Rooftop Detention - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

Runoff - Any part of precipitation that flows over the land surface.

Sediment Basin - A barrier, dam, retention or detention basin designed to retain rock, sand, gravel, silt, or other material transported by water.

Sediment Pollution - The placement, discharge or introduction of sediment into the waters of the Commonwealth.

Sedimentation - The process by which mineral or organic matter is accumulated or deposited by the movement of water.

Seepage Pit/Seepage Trench - An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

Sheet Flow - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

Soil-Cover Complex Method - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

Soil Group, Hydrologic - A classification of soils by the Soil Conservation Service into four runoff categories. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Spillway - A depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond.

Storage Indication Method - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

Storm Frequency - The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period".

Storm Sewer - A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

Stormwater - The total amount of precipitation reaching the ground surface.

Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

*

Stormwater Management Site Plan - The plan prepared by the Developer or his representative indicating how stormwater runoff will be managed at the particular site of interest in accordance with this Ordinance.

Stream Enclosure - A bridge, culvert or other structure which encloses a regulated water of this Commonwealth.

Subdivision - The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development: Provided, however, that the subdivision by

lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwellings, shall be exempt.

Swale - A low lying stretch of land which gathers or carries surface water runoff.

Timber Operations - See Forest Management.

Time of Concentration (Tc) - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

Watercourse - A stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

Waters of the Commonwealth - Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

ARTICLE III-STORMWATER MANAGEMENT

Section 301. Exemptions

Any Regulated Activity that meets the following exemption criteria is exempt from the provisions of this Ordinance, except where noted. Exemption shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, property, and any downstream properties from impact of any increase in discharge stormwater. This exemption shall not relieve the applicant from meeting the requirements for water quality and groundwater recharge special requirements for high quality (HQ) and exceptional value (EV) watersheds, and of Sections 303E, 304 and 305 respectively. No exemption shall be provided for Regulated Activities as defined in Section 104.E and 104.F of this Ordinance.

- A. Impervious Area Exemption – Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of comparison to the waiver criteria. These criteria shall apply to the

total development even if development is to take place in phases. The date of adoption of this Stormwater Management Ordinance shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered.

Stormwater Management Exemption Criteria
Impervious Area Exemption

| <u>Total Parcel size</u> | <u>Exemption (sq. ft.)</u> |
|-----------------------------------|----------------------------|
| 15,000 sq. ft. to 19,999 sq. ft. | 3,200 |
| 20,000 sq. ft. to 39,999 sq. ft. | 6,500 |
| 40,000 sq. ft. to 79,999 sq. ft. | 12,000 |
| 80,000 sq. ft. to 200,000 sq. ft. | 18,000 |
| Over 200,000 sq. ft. | 25,000 |

- B. Use of land for gardening for home consumption.

- C. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate by the Conservation District. The agricultural activities such as growing crops, rotating crops, tilling of soil, grazing animals and other such activities are specifically exempt from complying with the requirements of this Ordinance. Installation of new or expansion of existing farmsteads and production areas having impervious surfaces shall be subject to the provisions of this Ordinance.

- D. Forest Management operations, which are following the Department of Environmental Protections' management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.

Section 302. General Requirements

- A. All regulated activities in Wayne Township which do not fall under the exemption criteria shown in Section 301 shall submit a drainage plan consistent with this ordinance to the municipality for review. These criteria shall apply to the total proposed development even if development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of comparison to the waiver criteria.

- B. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Ordinance.

- C. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
- D. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge.
- E. Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement shall be required, except as approved by the appropriate governing authority.
- F. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PADEP through the Joint Permit Application process, or, where deemed appropriate by PADEP, through the General Permit process.
- G. Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Developer or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PA DEP.
- H. Any stormwater management facilities regulated by this Ordinance that would be located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PADOT).
- I. Roof drains must not be connected to streets, sanitary or storm sewers or roadside ditches to promote overload flow and infiltration/percolation of stormwater where advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case by case basis by Wayne Township.

J "Downstream Hydraulic Capacity Analysis" - Any downstream capacity hydraulic analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:

1. Natural or man-made channels or swales must be able to convey the increased runoff associated with a 2-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the DEP "Erosion and Sediment Pollution Control Program Manual".
2. Natural or man-made channels or swales must be able to convey the increased 25-year return period runoff without creating any hazard to persons or property.
3. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP, Chapter 105 regulations (if applicable) and, at a minimum, pass the increased 25-year return period runoff.

Section 303. Stormwater Management Requirements

The following general standards shall be applied to all development within Wayne Township to control stormwater runoff.

- A. All site development in Wayne Township that does not meet the exemption criteria shall submit a drainage plan consistent with the provisions of this Ordinance to Wayne Township for review and approval. This requirement shall apply to the total proposed development even if the developments to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway area and any new street or sidewalk. Any area initially designated to be gravel or crushed stone shall be assumed to be impervious.
- B. To the maximum extent practical, techniques described in Appendix E of this Ordinance for the minimization of generating stormwater runoff, avoiding detrimental effects of stormwater runoff and the protection of environment (Low Impact Development Techniques) should be used.
- C. Runoff from the site shall not be concentrated or increased runoff discharged onto adjacent property without the written consent of the adjacent landowners in the form of a drainage easement.
- D. All developments which create impervious surface or change the existing topography shall provide capacity for and treatment of the "Water Quality Volume" and "Groundwater Recharge Volume", as described under sections 304, 305.

11-8-2010
= "D"
per
DENNIS
NORMAN

there is
No
Appendix
E

E. Special requirements for areas falling within defined Exceptional Value and High Quality Sub-watersheds: The temperature and quality of water and streams that have been declared as exceptional value and high quality is to be maintained as defined in Chapter 93, Water Quality Standards, Title 25 of Pennsylvania department of Environmental Protection Rules and Regulations. Temperature sensitive BMP's and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels and should be shaded with trees. This will require modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control is maintained. At a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within ten (10) feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth. A long term maintenance schedule and management plan for the thermal control BMP's is to be established and recorded for all development sites.

Section 304. Water Quality Requirements

Developed areas will provide adequate storage and treatment facilities necessary to capture and treat stormwater runoff. The Recharge Volume computed under Section 305 may be a component of the Water Quality Volume. If the Recharge Volume is less than the Water Quality Volume, the remaining Water Quality Volume may be captured and treated by methods other than recharge/infiltration BMP's.

The Water Quality Volume (WQv) is the storage capacity needed to treat stormwater runoff produced by "P" inch of rainfall (90% Rule) from the developed areas of the site (For "P" Values, see Appendix D). The following calculation formula is used to determine the storage volume, WQv, in acre-feet of storage:

$$WQv = [(P)(Rv)(A)] / 12$$

WQv = Water Quality Volume

P = Rainfall Amount (90% of events producing this rainfall (Appendix D)

A = Area in acres

Rv = $0.05 + 0.009(I)$ where I is the percent impervious surface ratio, e.g. If a 10 acre site has 5 acres of impervious area, I=50

WQv shall be designed as part of a stormwater management facility which incorporates water quality BMP's as a primary benefit of using that facility, in accordance with design specifications contained in "Pennsylvania Handbook of Best Management Practices for Developing Areas". The following factors SHOULD be considered when evaluating the suitability of BMPs used to control water quality at a given development site:

- Peak discharge and required volume control.

- Stream bank erosion
- Efficiency of the BMPs to mitigate water quality problems.
- The volume of runoff that will be effectively treated.
- The nature of the pollutant being removed.
- Maintenance requirements.
- Creation/protection of aquatic and wildlife habitat.
- Recreational value.
- Enhancement of aesthetic and property value.

Section 305. Ground Water Recharge Requirements.

- a. The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged. Design of the infiltration/recharge stormwater management facilities shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. These measures are encouraged, particularly in hydrologic soil groups A and B and should be utilized wherever feasible. Soils used for the construction of basins shall have low-erodibility factors ("K" factors).
- b. Infiltration BMPs shall meet the following minimum requirements:

Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

- A minimum depth of 48 inches between the bottom of the facility and the seasonal high water table and/or bedrock (limiting zones).
- An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the Owner's engineer
- Infiltration BMP's receiving only roof runoff may be placed in soils having a minimum depth of 24 inches between the bottom of the facility and the limiting zone.

- Infiltration BMP's shall be located a minimum of 10 feet away from the foundation wall of any building.

c. The size of the recharge facility shall be based upon the following equation:

$$Re_v = [(S)(R_v)(A)]/12$$

Where:

Re_v = Recharge Volume (acre-feet)

S = Soil specific recharge factor (inches)

R_v = Volumetric runoff coefficient

A = Site area contributing to the recharge facility (acres)

$$R_v = 0.05 + 0.009 (I)$$

Where:

I = percent impervious area

And:

S shall be obtained based upon hydrologic soil group based upon the table below:

| <u>Hydrologic Soil Group</u> | <u>Soil Specific Recharge Factor (S)</u> |
|------------------------------|--|
| A | 0.38 |
| B | 0.25 |
| C | 0.13 |
| D | 0.06 |

If more than one hydrologic soil group (HSG) is present at a site, a composite recharge volume shall be computed based upon the proportion of total site area within each HSG.

- d. The recharge volume provided at the site shall be directed to the most permeable HSG available.
- e. The recharge facility shall be capable of completely infiltrating the impounded water within 48 hours.
- f. The recharge facility shall be capable of completely infiltrating the impounded water within 48 hours.

g. A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified professional, and at a minimum, address soil permeability, depth to bedrock, depth to seasonal high water table, susceptibility to sinkhole formation, and subgrade stability. The general process for designing the infiltration BMP shall be:

- o Analyze hydrologic soil groups as well as natural and man-made features within watershed to determine general areas of suitability for infiltration practices.
- o Provide field test to determine appropriate percolation rate and/or hydraulic Conductivity.
- o Determine the seasonal high water table for the infiltration site.
- o Design infiltration structure for required storm volume based on field determined capacity at the level of the proposed infiltration surface.

h. Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas. Extreme caution shall also be exercised where salt or chloride would be a pollutant since soils do little to filter this pollutant and it may contaminate the groundwater. It is also extremely important that the design professional evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and recommend a hydrogeologic justification study be performed if necessary. Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. Wayne Township may require the installation of an impermeable liner in detention basins. A detailed hydrogeologic investigation may be required by Wayne Township.

i. Wayne Township may require the developer to provide safeguards against groundwater contamination for uses which may cause groundwater contamination, should there be a mishap

or spill. It shall be the developer's responsibility to verify if the site is underlain by limestone. The following note shall be attached to all drainage plans and signed and sealed by the developer's engineer/surveyor/landscape/architect/geologist:

- j. I, _____ certify that the proposed detention basin (circle one) is/is not underlain by limestone.
- k. Where pervious pavement is permitted for parking lots, recreational facilities, non-dedicated streets, or other areas, pavement construction specifications shall be noted on the plan.
- l. Recharge/infiltration facilities may be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.

In selecting the appropriate BMP's or combinations thereof, the land developer SHALL consider the following:

- a) Permeability and infiltration rate of the site soils.
- b) Slope and depth to bedrock.
- c) Seasonal high water table.
- d) Proximity to building foundations and well heads.
- e) Erodibility of soils.
- f) Land availability and topography.

The land developer shall submit original and innovative designs to Wayne Township's Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMP (Best Management Practices).

Section 306. Stormwater Rate and Volume Controls:

If it is shown, by applications of water quality and ground water recharge requirements pursuant to sections 304 and, 305, that the post-development hydrographs are equal to the pre-development hydrographs to assure the rate and volume of runoff leaving the site is unchanged for 2-, 5-, 10-, 25-, 50-, and 100-year frequency storms, then the requirements of this section will be considered met. Otherwise, the developer shall control the rate and volume for the balance of uncontrolled runoff subsequent to the credits obtained by satisfying sections 304, 305. If an extended detention or a permanent pool type facility is selected for the treatment of water quality volume, the outlet shall be designed such that one year 24 hour post-development runoff

volume is released over a 24 hour period. This will also help channel protection. The release of water begins at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall consider and minimize the chances of clogging and sedimentation potential. Orifices smaller than 3 inches diameter are not recommended. However, if the Design Engineer can provide proof that the smaller orifices are protected from clogging by use of trash racks, etc., smaller orifices may be permitted.

The developer may, subject to approval of the municipal engineer, use the stormwater credits, described in the following table, in computing post-development hydrograph:

| Stormwater Credit | Description |
|---|--|
| Natural Area Conservation | Conservation of natural areas such as forest, wetlands, or other sensitive areas in a protected easement thereby retaining their pre-development hydrologic and water quality characteristics. Using this credit, a designer may subtract conservation areas from total site area when computing the required water quality volume. Additionally, the post-development curve number (CN) for these areas may be assumed to be forest in good condition. |
| Disconnection of Rooftop Runoff | Credit is given when rooftop runoff is disconnected and then directed over a pervious area where it may either infiltrate into the soil or filter over it. Credit is typically obtained by grading the site to promote overland flow or by providing bioretention on single-family residential lots. If a rooftop area is adequately disconnected, the impervious area may be deducted from the total impervious cover. Additionally, the post-development CNs for disconnected rooftop areas may be assumed to be forest in good condition. |
| Disconnection of Non-Rooftop Runoff | Credit is given for practices that disconnect surface impervious cover by directing it to pervious areas where it is either infiltrated or filtered through the soil. As with rooftop runoff, the impervious area may be deducted from the total impervious cover thereby reducing the required water quality volume. |
| Stream Buffer Credit | Credit is given when a stream buffer effectively treats stormwater runoff. Effective treatment constitutes capturing runoff from pervious and impervious areas adjacent to the buffer and treating the runoff through overland flow across a grass or forested area. Areas treated in this manner may be deducted from total site area in calculations and may contribute to meeting requirements for groundwater recharge. |
| Grass Channel (Open Section Roads) | Credit may be given when open grass channels are used to reduce the volume of runoff and pollutants during smaller storms. Use of grass channels will automatically meet the minimum groundwater recharge requirement. If designed according to appropriate criteria, these channels may meet water quality criteria for certain types of residential development. |
| Environmentally Sensitive Rural Development | Credit is given when a group of environmental site design techniques are applied to low density or rural residential development. This credit eliminates the need for structural practices to treat both the required recharge volume Re_v and water quality volume. The designer must still address the channel protection volume, the overbank protection and |

Section 307. Design Criteria for Stormwater Management Facilities

A. General Criteria

1. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls shall be subject to approval of the municipal engineer. The municipal engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this Section.
 - a. The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, Wayne Township's Engineer may require in-depth studies by a competent geotechnical Engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.
 - (a) In developing a stormwater management plans for a particular site; stormwater controls shall be selected according to the following order of preference:
 - (i) Infiltration of runoff on-site
 - (ii) Flow attenuation by use of open vegetated swales and natural depressions
 - (iii) Stormwater detention/retention structures
 - (b) Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.
 - (c) Open detention/retention facilities shall not be permitted within residential areas as part of an in-fill project.

- (i) The applicant may request a waiver from this requirement. All such requests for waiver shall be submitted in writing.
 - (ii) It shall be the responsibility of the applicant for a waiver of this part to show that the modification will not create a safety risk and that the modification is consistent with the Best Management Practices and current engineering design standards

- B. Any stormwater management facility (i.e. detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year post- development conditions. The height of embankment must be set as to provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year post-development inflow. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than 100-year event.

- C. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands as directed in PA DEP Chapter 105 regulations (as amended or replaced from time to time by PA DEP), shall be designed in accordance with Chapter 105 and will require a permit from PA DEP. Any other drainage conveyance facility that doesn't fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of roadway. Any facility that constitutes a dam as defined in PA DEP chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PA DOT right of way must meet PA DOT minimum design standards and permit submission requirements.

- D. Any drainage conveyance facility and/or channel that doesn't fall under Chapter 105 Regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the ten-year (10) design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e. detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a

PADOT right-of-way must meet PADOT minimum design standards and permit submission requirements.

- E. Storm sewers must be able to convey post-development runoff from a ten-year (10) design storm without surcharging inlets, where appropriate.
- F. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.

G. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. Wayne Township shall reserve the right to disapprove any design that would result in the occupancy or continuation of an adverse hydrologic or hydraulic condition within the watershed.

H. "No Harm" Option - For any proposed development site not located in a provisional direct discharge district, the developer has the option of using a less restrictive runoff control (including no detention) if the developer can prove that "no harm" would be caused by discharging at a higher runoff rate than that specified by the Plan. The "no harm" Option is used when a developer can prove that the post-development hydrographs can match pre-development hydrographs, or if it can be proved that the post-development conditions will not cause increases in peaks at all points

I. Downstream. Proof of "no harm" would have to be shown based upon the following "Downstream Impact Evaluation" which shall include a "downstream hydraulic capacity analysis" consistent with Section 303H to determine if adequate hydraulic capacity exists. The land developer shall submit to Wayne Township this evaluation of the impacts due to increased downstream stormwater flows in the watershed.

1. The "Downstream Impact Evaluation" shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications due to the proposed development upon a dam, highway, structure, natural point of restricted stream flow or any stream channel section, established with the concurrence of Wayne Township.
2. The evaluation shall continue downstream until the increase in flow diminishes due to additional flow from tributaries and/or stream attenuation.
3. Developer-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove "no-harm", except in conjunction with proposed capacity improvements for the problem areas consistent with Section 303.H.

4. A financial distress shall not constitute grounds for granting a no-harm exemption.
5. Capacity improvements may be provided as necessary to implement the "no harm" option which proposes specific capacity improvements to provide that a less stringent discharge control would not create any harm downstream.
6. Any "no harm" justifications shall be submitted by the developer as part of the Drainage Plan submission per Article IV.

Section 308. Calculation Methodology

Stormwater runoff from all development sites shall be calculated using either the rational method or a soil-cover-complex methodology.

- A. Any stormwater runoff calculations involving drainage areas greater than 200 acres, including on- and off-site areas, shall use generally accepted calculation technique that is based on the NRCS soil cover complex method. Table VIII-1 summarizes acceptable computation methods. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site.

Wayne Township's Engineer may approve the use of the Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres.

- B. All calculations consistent with this Ordinance using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms presented in Table A-1 in Appendix A of this Ordinance. If a hydrologic computer model such as PSRM or HEC-1 is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The NRCS 'S' curve shown in Figure A-1, Appendix A of this Ordinance shall be used for the rainfall distribution.
- C. For the purposes of predevelopment flow rate determination, undeveloped land shall be considered as "meadow" good condition, unless the natural ground cover generates a lower curve number or Rational 'C' value (i.e. forest).
- D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the Design Storm Curves from PA Department of Transportation Design Rainfall Curves (1986) (Figure B-2). Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small

Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's equation.

- E. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from Table A-2 in Appendix A of this Ordinance.
- F. Runoff coefficient (c) for both existing and proposed conditions for use in the rational method shall be obtained from Table A-3 in Appendix A of this Ordinance.
- G. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table A-4 in Appendix A of the Ordinance.

Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using any generally accepted hydraulic analysis technique or method.

- H. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 20 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. Wayne Township may approve the use of any generally accepted full hydrograph approximation technique, which shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- I. Wayne Township has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. If the designer can substantiate through actual physical calibration that more appropriate runoff and time-of-concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendations of Wayne Township's Engineer. Calibration shall require detailed gauge and rainfall data for the particular site in question.

TABLE VIII-1

ACCEPTABLE COMPUTATION METHODOLOGIES FOR STORMWATER MANAGEMENT PLANS

| METHOD | METHOD DEVELOPED BY | APPLICABILITY |
|--|-------------------------|--|
| TR-20 or commercial Package Based on TR-20 | USDA - NRCS | when use of full model is desirable or necessary |
| Tr-55 OR Commercial Package Based on TR-55 | USDA - NRCS | Applicable for plans within the models limitations |
| HEC - 1 | U.S. Army Corps of Eng. | When full model is desirable or necessary |
| PSRM | Penn State Univ. | When full model is desirable or necessary |
| Rational Method or commercial package based on Rational Method | Emil Kuiching (1889) | For sites less than 200 acres |
| Other Methods | Various | As approved by the municipal engineer |

Section 309. Erosion and Sedimentation Requirements

- A. Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, protection of Natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control," and in accordance with the Clinton County Conservation District and the standards and specifications of Wayne Township, if any.
- B. Additional erosion and sedimentation control design standards and criteria that must be or are recommended to be applied where infiltration BMPs are proposed and include the following:
 - 1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
 - 2. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

ARTICLE IV-DRAINAGE PLAN REQUIREMENTS

Section 401. General Requirements

For any of the activities regulated by this Ordinance, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity may not proceed until the Property Owner or Developer or his/her agent has received written approval of a Drainage Plan from Wayne Township. The Property Owner is encouraged to schedule and conduct an pre-application meeting with Wayne Township's Code/Zoning Officer and/or Engineer.

The following items shall be included in the Drainage Plan:

A. General

1. General description of project.
2. General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.

B. Map(s) of the project area shall be submitted on 18-inch x 24-inch or 24-inch x 36-inch sheets and shall be prepared in a form that meets the requirements for recording in the offices of the Recorder of Deeds of Clinton County. The contents of the maps(s) shall include, but not be limited to:

1. The location of the project relative to highways, municipalities or other identifiable landmarks.
2. Existing contours at intervals of two feet. In areas of steep slopes (greater than 15 percent), five-foot contour intervals may be used.
3. Existing streams, lakes, ponds, or other bodies of water within the project area.
4. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.

5. The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines.
6. An overlay showing soil names and boundaries.
7. Proposed changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
8. Proposed structures, roads, paved areas, and buildings.
9. Final contours at intervals at two feet. In areas of steep slopes (greater than 15 percent), five-foot contour intervals may be used.
10. The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
11. The date of submission.
12. A graphic and written scale of one (1) inch equals no more than fifty (50) feet; for tracts of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one hundred (100) feet.
13. A North arrow.
14. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
15. Existing and proposed land use(s).
16. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
17. Horizontal and vertical profiles of all open channels, including hydraulic capacity.
18. Overland drainage paths.
19. A fifteen foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way.
20. A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this Ordinance.

21. A construction detail of any improvements made to sinkholes and the location of all notes to be posted, as specified in this Ordinance.
22. A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by Wayne Township.
23. The following signature block for Wayne Township's Engineer:

_____, on this date (date of signature), have reviewed and hereby certify that the Drainage Plan meets all design standards and criteria of the Stormwater Management Ordinance."
24. The location of all erosion and sedimentation control facilities.

C. Supplemental Information

1. A written description of the following information shall be submitted.
 - a) The overall stormwater management concept for the project.
 - b) Stormwater runoff computations as specified in this Ordinance.
 - c) Stormwater management techniques to be applied both during and after development.
 - d) Expected project time schedule.
2. A soil erosion and sedimentation control plan, where applicable, including all reviews and approvals, as required by PADEP.
3. A geologic assessment of the effects of runoff on sinkholes as specified in this Ordinance.
4. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
5. A Declaration of Adequacy and Highway Occupancy Permit from the PADOT District Office when utilization of a PADOT storm drainage system is proposed.

D. Stormwater Management Facilities

1. All stormwater management facilities must be located on a plan and described in detail.

2. When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.
3. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

Section 402. Drainage Plan Contents

The Drainage Plan shall consist of all applicable calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sedimentation control plan by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and date. All Drainage Plan materials shall be submitted to Wayne Township in a format that is clear, concise, legible, neat, and well organized; otherwise, the Drainage Plan shall be disapproved and returned to the Applicant.

Section 403. Plan Submission

For all activities regulated by this Ordinance, the steps below shall be followed for submission. For any activities that require a PADEP Joint Permit Application and regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PADEP's Rules and Regulations, require a PADOT Highway Occupancy Permit, or require any other permit under applicable state or federal regulations, the permit(s) shall be part of the plan.

- A. The Drainage Plan shall be submitted by the Developer as part of the Preliminary Plan submission for the Regulated Activity.
- B. Four (4) copies of the Drainage Plan shall be submitted.
- C. Distribution of the Drainage Plan will be as follows:
 1. Two (2) copies to Wayne Township accompanied by the requisite Review Fee, as specified in this Ordinance.
 2. One (1) copy to Wayne Township's Engineer.
 3. One (1) copy to the County Planning Commission/Department

Section 404. Drainage Plan Review

- A. Wayne Township's Engineer shall review the Drainage Plan for consistency with this Ordinance. Wayne Township shall require receipt of a complete plan, as specified in this Ordinance.
- B. Wayne Township's Engineer shall review the Drainage Plan for any submission or land development against Wayne Township's Subdivision and Land Development Ordinance provisions not superseded by this Ordinance.
- C. For activities regulated by this Ordinance, Wayne Township's Engineer shall notify Wayne Township in writing, within thirty (30) calendar days, whether the Drainage Plan is consistent with this Ordinance. Should the Drainage Plan be determined to be consistent with this Ordinance, the Wayne Township Supervisors shall forward an approval letter to the Developer.
- D. Should the Drainage Plan be determined to be inconsistent with this Ordinance, the Wayne Township Supervisors shall forward a disapproval letter to the Developer. Any disapproved Drainage Plans may be revised by the Developer and resubmitted consistent with this Ordinance.
- E. For Regulated Activities specified in Sections 104A through 104.D of this Ordinance, Wayne Township's Engineer shall notify Wayne Township's Building Permit Officer in writing, within a time frame consistent with Wayne Township's Building Code and/or Wayne Township's Subdivision Ordinance, whether the Drainage Plan is consistent with this Ordinance. A copy of the letter referred to Section 404C, above, shall also be provided to Wayne Township's Building Permit Officer. Any disapproved drainage plan may be revised by the Developer and resubmitted consistent with this Ordinance.
- F. For Regulated Activities requiring a PADEP Joint Permit Application, Wayne Township's Engineer shall notify PADEP whether the Drainage Plan is consistent with this Ordinance and forward a copy of the review letter to Wayne Township and the Developer. PADEP may consider the review comments of Wayne Township's Engineer in determining whether to issue a permit.
- G. Wayne Township shall not approve any subdivision or land development for Regulated Activities specified in Sections 104.A and 104.B of this Ordinance if the Drainage Plan has been found to be inconsistent with this Ordinance, as determined by Wayne Township's Engineer. All required permits from PADEP must be obtained prior to approval.
- H. Wayne Township's Building Permit Officer shall not issue a building permit for any Regulated Activity specified in Section 104 of this Ordinance if the Drainage

Plan has been found to be inconsistent with this Ordinance, as determined by Wayne Township's Engineer, or without considering the comments of Wayne Township's Engineer. All required permits from PADEP must be obtained prior to issuance of a building permit.

- I. The Developer shall be responsible for completing an "As-Built Survey" of all stormwater management facilities included in the approved Drainage Plan. The As-Built Survey and an explanation of any discrepancies with the design plans shall be submitted to Wayne Township's Engineer for final approval. In no case shall Wayne Township approve the As-Built Survey until Wayne Township receives a copy of an approved Declaration of Adequacy, Highway Occupancy Permit from the PADOT District Office, and any applicable permits from PADEP.
- J. Erosion and sedimentation controls and Stormwater facilities shall be installed according to the approved Sequence of Construction contained in the Erosion and Sediment Control Plan. Wayne Township's approval of a Drainage Plan shall be valid for a period not to exceed five (5) years. This five-year (5) time period shall commence on the date that Wayne Township signs the approved Drainage Plan. If stormwater management facilities included in the approved Drainage plan have not been constructed, or if an As-Built Survey of these facilities has not been approved within this five-year (5) time period, then Wayne Township may consider the Drainage plan disapproved and may revoke any and all permits. Drainage Plans that are considered disapproved by Wayne Township shall be resubmitted in accordance with Section 407 of this Ordinance.

Section 405. Modification of Plans

A modification to a submitted Drainage Plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the Drainage Plan as determined by Wayne Township's Engineer, shall require a resubmission of the modified Drainage Plan consistent with Section 404 of this Ordinance and be subject to review as specified in Section 405 of this Ordinance.

A modification to an already approved or disapproved Drainage Plan shall be submitted to Wayne Township, accompanied by the applicable review fee. A modification to a Drainage Plan for which Wayne Township has not taken a formal action shall be submitted to Wayne Township, accompanied by the applicable Review Fee.

Section 406. Resubmission of Disapproved Drainage Plans

A disapproved Drainage Plan may be resubmitted, with the revisions addressing the concerns of Wayne Township's Engineer documented in writing, to Wayne Township's Engineer in accordance with Section 404 of this Ordinance and be subject to review as specified in Section 405 of this Ordinance. The applicable Review Fee must accompany a resubmission of a disapproved Drainage Plan.

ARTICLE V-INSPECTIONS

Section 501. Schedule of Inspections

- A. Wayne Township's Engineer or any individual designated by the Board of Supervisors of Wayne Township shall inspect all phases of the installation of the permanent stormwater management facilities.
- B. During any stage of the work, if Wayne Township's Engineer or its designee determines that the permanent stormwater management facilities are not being installed in accordance with this Ordinance, Wayne Township shall revoke any existing permits until a revised Drainage Plan is submitted and approved, as specified in this Ordinance.

ARTICLE VI-FEES AND EXPENSES

Section 601. General

The fee required by this Ordinance is a Review Fee. Such fee shall be established by Wayne Township to defray review costs incurred by Wayne Township and its Engineer. The Applicant shall pay all fees.

Section 602. Municipal Plan Review Fee

Wayne Township shall establish a Review Fee Schedule by resolution of its Board of Supervisors based on the size of the Regulated Activity and based on Wayne Township's costs for reviewing Drainage Plans. Wayne Township shall periodically update the Review Fee Schedule to ensure that review costs are adequately reimbursed.

Section 603. Expenses Covered by Fees

The fees required by this Ordinance shall, at a minimum, cover:

- A. Administrative/clerical Costs.
- B. The review of the Drainage Plan by Wayne Township and Wayne Township's Engineer.
- C. The site inspections including, but not limited to, pre-construction meetings, inspections during construction of stormwater facilities and appurtenances, and final inspection upon completion of the stormwater facilities and drainage improvements.
- D. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

ARTICLE VII-MAINTENANCE RESPONSIBILITIES

Section 701. Performance Guarantee

The applicant shall provide a financial guarantee/bond to Wayne Township for the timely installation and proper construction of all stormwater management controls as required by this Ordinance equal to the full construction cost of the required controls.

Section 702. Maintenance Responsibilities

- A. The Drainage Plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by Wayne Township's Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).
- B. The Drainage Plan for the development site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principals:
 - 1. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to Wayne Township, stormwater control facilities may also be dedicated to and maintained by Wayne Township.

2. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities shall be the responsibility of the owner or private management entity.
- C. The Board of Supervisors of Wayne Township, upon recommendation of Wayne Township's Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the Drainage Plan. The Board of Supervisors reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

Section 703. Maintenance Agreement for Privately Owned Stormwater Facilities

- A. Prior to final approval of the site's stormwater management plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities that are to be privately owned. Said agreement, designated as Appendix C, is attached and made part hereto.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of Wayne Township's Solicitor and its Board of Supervisors.

Section 704. Wayne Township's Stormwater Maintenance Fund

- A. If stormwater facilities are accepted by Wayne Township for dedication, persons installing stormwater storage facilities shall be required to pay a specified amount to Wayne Township's Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
 1. If the storage facility is to be owned and maintained by Wayne Township, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. Wayne Township's Engineer will establish the estimated costs utilizing information submitted by the applicant.
 2. The amount of the deposit to the fund shall be converted to present worth of the annual series values. Wayne Township's Engineer shall determine the present worth equivalents, which shall be subject to the approval of the municipal governing body.

- B. If a storage facility is proposed that also serves as a recreation facility (e.g. ballfield, lake), Wayne Township may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.
- C. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

Section 705. Post-Construction Maintenance Inspections

- A. Basins should be inspected by the land owner/developer or responsible entity (including Wayne Township's Engineer for dedicated facilities) on the following basis:
 - 1. Annually for the first 5 years.
 - 2. Once every 3 years thereafter,
 - 3. During or immediately after the cessation of a 100-year or greater storm event.
- B. The entity conducting the inspection should be required to submit a report to Wayne Township regarding the condition of the facility and recommending necessary repairs, if needed.

ARTICLE VIII-ENFORCEMENT AND PENALTIES

Section 801. Right-of-Entry

Upon presentation of proper credentials, duly authorized representatives of Wayne Township may enter at reasonable times upon any property within Wayne Township to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

Section 802. Notification

In the event that a person fails to comply with the requirements of this Ordinance, or fails to conform to the requirements of any permit issued hereunder, Wayne Township shall provide written notification of the violation. Such notification shall set forth the nature of

the violation(s) and establish a time limit for correction of these violations(s). Failure to comply within the time specified shall subject such person to the penalty provision of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

Section 803. Enforcement

The Board of Supervisors of Wayne Township is hereby authorized and directed to enforce all of the provisions of this Ordinance. All inspections regarding compliance with the drainage plan shall be the responsibility of Wayne Township's Engineer or any individual designated by the Board of Supervisors of Wayne Township.

A. A set of design plans approved by Wayne Township shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by Wayne Township or its designee during construction.

B. Adherence to Approved Plan

It shall be unlawful for any person, firm or corporation to undertake any regulated activity under Section 104 on any property except as provided for in the approved drainage plan and pursuant to the requirements of this Ordinance. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this ordinance or to allow the property to remain in a condition which does not conform to the approved drainage plan.

C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the owner or his representatives shall:

1. Provide a certification of completion from an engineer, architect, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.

2. Provide a set of as built drawings.

D. After receipt of the certification by Wayne Township, a final inspection shall be conducted by the Wayne Township Board of Supervisors its designee to certify compliance with this Ordinance.

E. Prior to revocation or suspension of a permit, the Board of Supervisors of Wayne Township will schedule a hearing to discuss the non-compliance if there is no immediate danger to life, public health or property.

F. Suspension and revocation of Permits

1. Any permit issued under this ordinance may be suspended or revoked by the Board of Supervisors of Wayne Township for:
 - a) Non-compliance with or failure to implement any provision of the permit.
 - b) A violation of any provision of this ordinance or any other applicable law, ordinance, rule or regulation relating to the project.
 - c) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others, or as outlined in Article IX of this ordinance.

2. A suspended permit shall be reinstated by the Board of Supervisors of Wayne Township when:
 - a) Wayne Township's Engineer or Wayne Township's designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance, and/or;
 - b) The Board of Supervisors of Wayne Township is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.
 - c) A permit, which has been revoked by the Board of Supervisors of Wayne Township, cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

G. Occupancy Permit

An occupancy permit shall not be issued unless the certification of compliance has been secured. The occupancy permit shall be required for each lot owner and/or developer for all subdivisions and land development in Wayne Township.

Section 804. Public Nuisance

- A. The violation of any provision of this ordinance is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation

Section 805. Penalties

- A. Anyone violating the provisions of this ordinance shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than \$500.00 for each violation, recoverable with costs, or imprisonment of not more than ninety (90) days, or both. Each day that a violation continues shall be a separate offense.
- B. In addition, Wayne Township, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Section 806. Appeals

- A. Any person aggrieved by any action of Wayne Township, relevant the provisions of this ordinance may appeal to the Wayne Township Zoning Hearing Board within thirty (30) days of that action.
- B. Any person aggrieved by any decision of Zoning Hearing Board, relevant to the provisions of this ordinance, may appeal to the County Court of Common Pleas in the county where the activity has taken place within thirty (30) days of the Zoning Hearing Board's decision.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township,
Clinton County Pennsylvania, this 20th day of May, 2002, in lawful
session, duly assembled.

ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA

Harlene Macklem
Secretary

By: James E. Bower
Supervisor

By: James B. Maguire
Supervisor

By: David C. [Signature]
Supervisor

APPENDIX A

STORMWATER MANAGEMENT DESIGN CRITERIA

TABLE A-1

DESIGN STORM RAINFALL AMOUNT (INCHES)

FIGURE A-1

NRCS (SCS) TYPE II RAINFALL DISTRIBUTION

FIGURE A-2

**PENNDOT STORM INTENSITY-DURATION-FREQUENCY CURVE
REGION _____**

TABLE A-2

**RUNOFF CURVE NUMBERS
(FROM NRCS (SCS) TR-55)**

TABLE A-3

RATIONAL RUNOFF COEFFICIENTS

TABLE A-4

MANNING ROUGHNESS COEFFICIENTS

TABLE A-1

DESIGN STORM RAINFALL AMOUNT (INCHES)

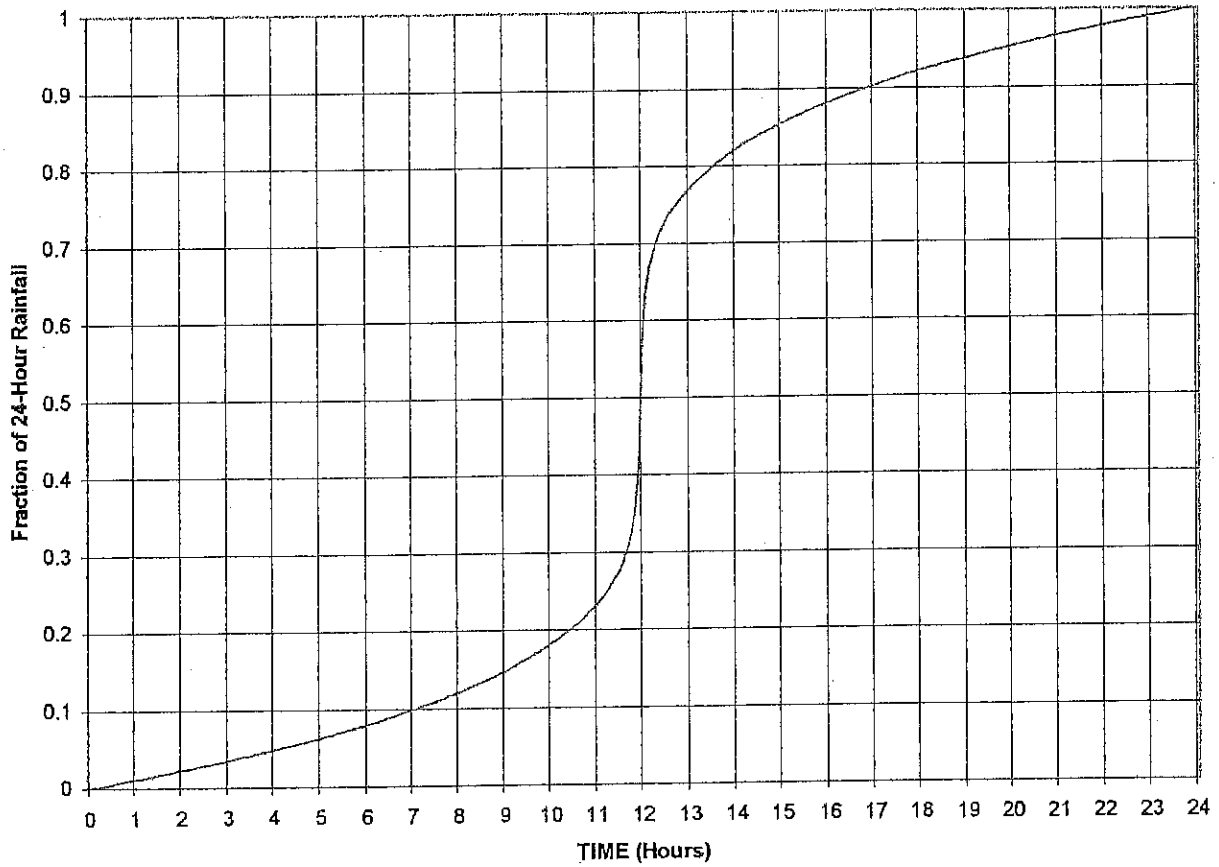
| RETURN PERIOD | PRECIPITATION AMOUNT 24-HOUR STORM |
|----------------------|---|
| 1 | 2.4 |
| 2 | 2.9 |
| 5 | 3.8 |
| 10 | 4.6 |
| 25 | 5.0 |
| 50 | 5.7 |
| 100 | 6.3 |

Source: Commonwealth of Pennsylvania Department of Environmental Protection
Office of Water Management "Erosion and Sediment Pollution Control Program
Manual" March 2000.

FIGURE A-1

Natural Resource Conservation Service
Precipitation Distribution

SCS 24-HOUR TYPE II RAINFALL DISTRIBUTION



| HOURS | MIN | FRACT. | HOURS | MIN | FRACT. | HOURS | MIN | FRACT. |
|-------|-----|--------|-------|-----|--------|-------|-----|--------|
| 1 | 00 | 0.0107 | 9 | 40 | 0.1659 | 15 | 00 | 0.852 |
| 2 | 00 | 0.0222 | 10 | 00 | 0.1781 | 15 | 20 | 0.8616 |
| 3 | 00 | 0.0345 | 10 | 20 | 0.1918 | 15 | 40 | 0.8705 |
| 4 | 00 | 0.0479 | 10 | 40 | 0.2077 | 16 | 00 | 0.8788 |
| 5 | 00 | 0.0626 | 11 | 00 | 0.2266 | 16 | 20 | 0.8866 |
| 6 | 00 | 0.079 | 11 | 20 | 0.2506 | 16 | 40 | 0.894 |
| 6 | 20 | 0.0849 | 11 | 40 | 0.2843 | 17 | 00 | 0.9009 |
| 6 | 40 | 0.091 | 12 | 00 | 0.3773 | 17 | 20 | 0.9075 |
| 7 | 00 | 0.0975 | 12 | 20 | 0.6925 | 17 | 40 | 0.9138 |
| 7 | 20 | 0.1043 | 12 | 40 | 0.7361 | 18 | 00 | 0.9199 |
| 7 | 40 | 0.1114 | 13 | 00 | 0.7639 | 19 | 00 | 0.9365 |
| 8 | 00 | 0.119 | 13 | 20 | 0.785 | 20 | 00 | 0.9515 |
| 8 | 20 | 0.127 | 13 | 40 | 0.8023 | 21 | 00 | 0.9651 |
| 8 | 40 | 0.1356 | 14 | 00 | 0.817 | 22 | 00 | 0.9776 |
| 9 | 00 | 0.1449 | 14 | 20 | 0.8299 | 23 | 00 | 0.9892 |
| 9 | 20 | 0.1549 | 14 | 40 | 0.8415 | 24 | 00 | 1 |

TABLE A-2

**RUNOFF CURVE NUMBERS
(FROM NRCS (SCS) TR-55)**

| LAND USE DESCRIPTION | HYDROLOGIC SOIL GROUP | | | |
|---|--------------------------|----|----|----|
| | A | B | C | D |
| Meadow *** | 30 | 58 | 71 | 77 |
| Low Density Residential (>1 Acre) | 46 | 65 | 77 | 82 |
| Medium density residential (1/2 – 1 Acre) | 54 | 70 | 80 | 85 |
| High Density Residential (> 1/8 – 1/2 Acre)* | 77 | 85 | 90 | 92 |
| Mobile Home Park | 77 | 85 | 90 | 92 |
| Commercial | 89 | 92 | 94 | 95 |
| Industrial | 81 | 88 | 91 | 93 |
| Mixed Urban | 81 | 88 | 91 | 93 |
| Transportation** | 98 | 98 | 98 | 98 |
| Campgrounds | 77 | 85 | 90 | 92 |
| Fairgrounds | 77 | 85 | 90 | 92 |
| Private Parks*** | 39 | 61 | 74 | 80 |
| Public Parks*** | 39 | 61 | 74 | 80 |
| Cemetery*** | 39 | 61 | 74 | 80 |
| Cropland | 65 | 75 | 82 | 86 |
| Pasture | 49 | 69 | 79 | 84 |
| Permanent Hay | 55 | 69 | 78 | 83 |
| Orchards, Groves, Vineyards, Nurseries, Scrub brush | 43 | 65 | 76 | 82 |
| Other Agricultural Land & Open Space*** | 35 | 56 | 70 | 77 |
| Mixed Forest Land*** | 36 | 60 | 73 | 77 |
| Lakes/Ponds | 98 | 98 | 98 | 98 |
| Rivers/Streams | 98 | 98 | 98 | 98 |
| Wetlands | 98 | 98 | 98 | 98 |
| Strip Mines, Quarries, & Gravel Pits | 66 | 68 | 72 | 77 |
| Gravel Driveways & Parking Areas | 76 | 85 | 89 | 91 |

*Includes Multi-Family Housing unless justified lower density can be provided.

**Transportation includes paved area only.

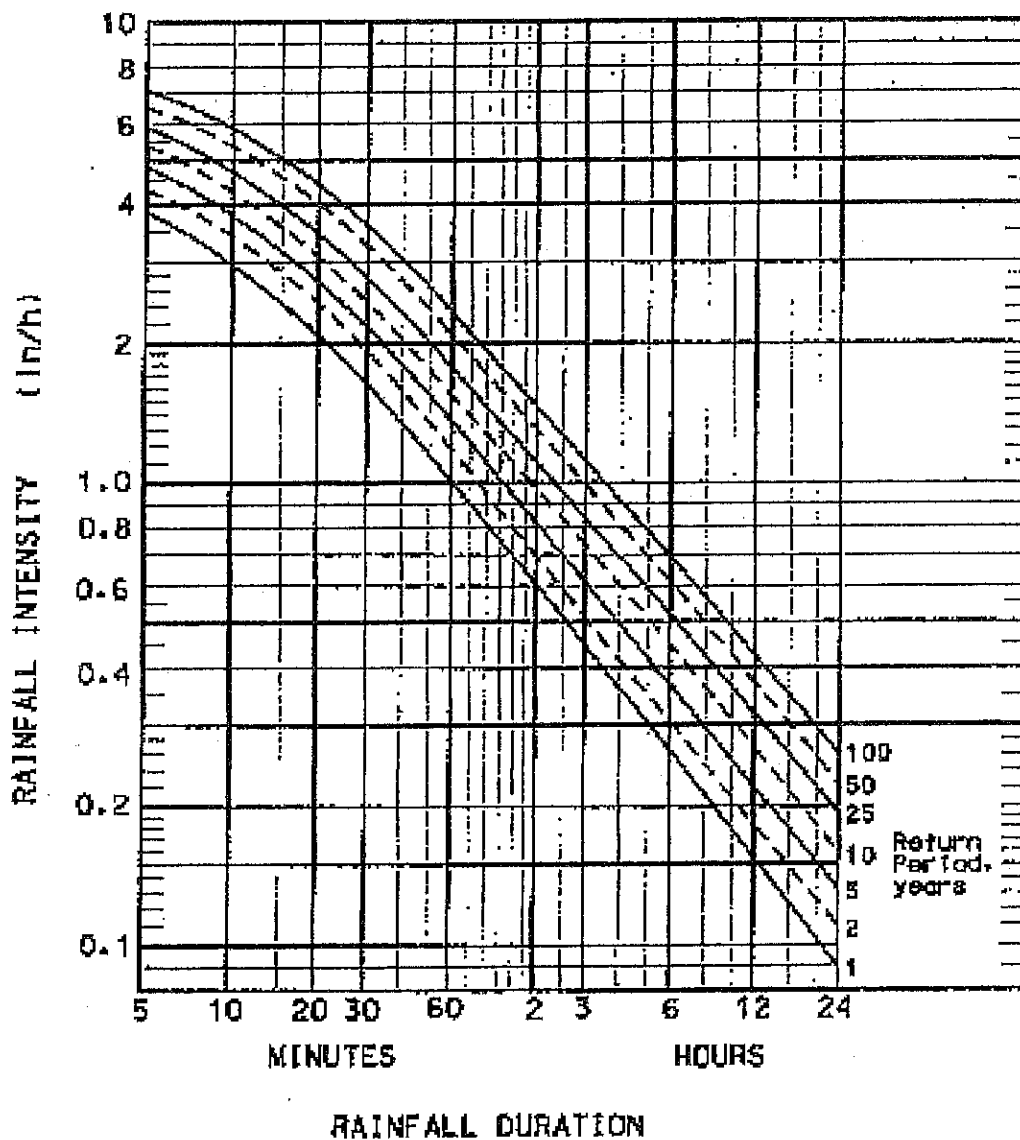
***Caution – CN values under 40 may produce erroneous modeling results.

Note: Existing site conditions of bare earth or fallow shall be considered as meadow when choosing a CN value.

FIGURE A-2

PENNDOT STORM INTENSITY - DURATION - FREQUENCY CURVE
REGION 3

REGION 3



**TABLE A-3
Runoff Coefficients
Rational Method "C" Values**

| LAND USE DESCRIPTION | HYDROLOGIC SOIL GROUP | | | | |
|--|-----------------------|----------|------|------|------|
| | | A | B | C | D |
| Meadow | | 0.04 (a) | 0.17 | 0.26 | 0.31 |
| | | 0.07 (b) | 0.23 | 0.33 | 0.38 |
| Low Density Residential | (>1 Acre) | 0.11 | 0.23 | 0.33 | 0.37 |
| | | 0.16 | 0.30 | 0.40 | 0.45 |
| Medium density residential | (1/2 – 1 Acre) | 0.19 | 0.30 | 0.38 | 0.42 |
| | | 0.25 | 0.38 | 0.46 | 0.51 |
| High Density Residential | (< 1/2 Acre)* | 0.41 | 0.50 | 0.57 | 0.59 |
| | | 0.50 | 0.60 | 0.67 | 0.69 |
| Mobile Home Park | | 0.41 | 0.50 | 0.57 | 0.59 |
| | | 0.50 | 0.60 | 0.67 | 0.69 |
| Commercial | | 0.60 | 0.64 | 0.67 | 0.69 |
| | | 0.71 | 0.75 | 0.78 | 0.80 |
| Industrial | | 0.47 | 0.56 | 0.60 | 0.62 |
| | | 0.57 | 0.66 | 0.70 | 0.73 |
| Mixed Urban and Transportation** | | 0.90 | 0.90 | 0.90 | 0.90 |
| | | 0.95 | 0.95 | 0.95 | 0.95 |
| Campgrounds and Fairgrounds | | 0.41 | 0.50 | 0.57 | 0.59 |
| | | 0.50 | 0.60 | 0.67 | 0.69 |
| Private Parks, Public Parks and Cemetery | | 0.07 | 0.18 | 0.27 | 0.32 |
| | | 0.11 | 0.24 | 0.34 | 0.39 |
| Cropland | | 0.20 | 0.27 | 0.33 | 0.36 |
| | | 0.26 | 0.34 | 0.40 | 0.43 |
| Pasture | | 0.14 | 0.23 | 0.30 | 0.34 |
| | | 0.19 | 0.29 | 0.36 | 0.41 |
| Permanent Hay | | 0.11 | 0.23 | 0.30 | 0.34 |
| | | 0.16 | 0.29 | 0.37 | 0.42 |
| Orchards, Groves Vineyards, Nurseries | | 0.08 | 0.20 | 0.28 | 0.33 |
| | | 0.12 | 0.26 | 0.35 | 0.40 |
| Scrub Brush, Other Agricultural Land & Open Space | | 0.06 | 0.15 | 0.24 | 0.29 |
| | | 0.09 | 0.20 | 0.30 | 0.36 |
| Mixed Forest Land | | 0.06 | 0.17 | 0.26 | 0.29 |
| | | 0.09 | 0.23 | 0.32 | 0.36 |
| Lakes/Ponds | | 0.95 | 0.95 | 0.95 | 0.95 |
| Rivers / Streams / Wetlands | | 0.98 | 0.98 | 0.98 | 0.98 |
| Strip Mines, Quarries, & Gravel Pits | | 0.22 | 0.24 | 0.27 | 0.31 |
| | | 0.29 | 0.30 | 0.34 | 0.38 |
| Gravel Driveways & Parking Areas | | 0.52 | 0.62 | 0.62 | 0.62 |
| | | 0.62 | 0.73 | 0.73 | 0.73 |

*Includes Multi-Family Housing unless justified lower density can be provided.

**Transportation includes paved area only.

Note: Existing site conditions of bare earth or fallow shall be considered as meadow when choosing a Rational "C" value.

- (a) Runoff Co-efficient for storm recurrence intervals less than 25 years.
- (b) Runoff Co-efficient for storm recurrence intervals up to 25 years or more.

TABLE A-4

Recommended "n" Values to be used with Manning's Equation

| Surface | Min. | Design | Max. |
|---|-------|--------|-------|
| Asphalt Lining | | 0.015 | |
| Brick in cement mortar, brick sewers | 0.012 | 0.015 | 0.017 |
| Concrete-lined channel | 0.012 | 0.015 | 0.018 |
| Cement-rubble surface | 0.017 | | 0.030 |
| Neat cement surface | 0.010 | 0.012 | 0.013 |
| Plastic-lined channel | 0.012 | | 0.014 |
| Shotcrete | 0.016 | | 0.017 |
| Asbestos Cement Pipe | | 0.009 | |
| Concrete Pipe | 0.012 | 0.015 | 0.016 |
| Vitrified Clay Pipe | 0.010 | 0.013 | 0.017 |
| Corrugated Metal Pipe | 0.024 | 0.029 | 0.033 |
| Smooth Wall Plastic Pipe | | 0.012 | |
| Corrugated Plastic Pipe | | 0.024 | |
| Common-clay drainage tile | 0.011 | 0.012 | 0.017 |
| Semi-circular metal flumes, smooth | 0.011 | | 0.015 |
| Corrugated | 0.023 | 0.025 | 0.030 |
| Channels and ditches | | | |
| Earth, straight and uniform | 0.017 | 0.023 | 0.025 |
| Rock cuts, smooth and uniform | 0.025 | 0.030 | 0.035 |
| jagged and irregular | 0.035 | 0.040 | |
| Dredged earth channels | 0.025 | 0.028 | 0.033 |
| Earth bottom, rubble sides | 0.028 | 0.030 | 0.035 |
| Natural Streams | | | |
| 1. Clean, straight bank, full stage no rifts or deep pools | 0.025 | | 0.033 |
| 2. Same as 1, but some weeds and stones | 0.030 | | 0.040 |
| 3. Winding, some pools and shoals, clean | 0.033 | | 0.045 |
| 4. Same as 3, lower stages, more ineffective slope and sections | 0.040 | | 0.055 |
| 5. Same as 3, same weeds and stone | 0.035 | | 0.050 |
| 6. Same as 4, stony sections | 0.045 | | 0.060 |
| 7. Sluggish river reaches, rather weedy or with very deep pools | 0.050 | | 0.080 |
| 8. Very weedy reaches | 0.075 | | 0.150 |

Appendix B

MANAGEMENT PRACTICES, MAINTENANCE AND MONITORING AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2002, by and between _____, (hereinafter the "Landowner"), and **WAYNE TOWNSHIP**, Clinton County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Clinton County, Pennsylvania, Deed Book _____, Page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Subdivision/Land Management Plan (hereinafter "Plan") for the property identified herein, which is expressly made a part hereof, as approved or to be approved by Wayne Township, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMP's); and

WHEREAS, Wayne Township and the Landowner, his successors and assigns agree that the health, safety, and welfare of the residents of Wayne Township require that on-site stormwater Best Management Practices be constructed and maintained on the Property: and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

- BMP – Best Management Practice.

- Infiltration Trench – A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Seepage Pit – An underground BMP structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Rain Garden – A BMP overlain with appropriate mulch and suitable vegetation designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer, and
- Stormwater Structures and Facilities shall include, but not be limited to, detention and retention basins, and BMP'S.

WHEREAS, the Municipality requires, through the implementation of the Wayne Township Subdivision and Land Development Plan, that stormwater management BMP's as required by said Plan and the Municipal Ordinance be constructed and adequately maintained by the Landowner, his successors and assigns. The Plan shall include, but not be limited to, the BMP site location, plan view and cross sectional drawings as appropriate, design calculations, material specifications, and any maintenance requirements imposed by the Municipality or its Designated Representatives, and

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The onsite BMP facility shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. The Landowner shall maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality and in accordance with the specific maintenance requirements noted on the Plan which is attached hereto as Appendix A and made part hereof.

3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality, the Municipality may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses incurred within 10 days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to insure the proper maintenance of the onsite BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by nonpoint source pollution runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall indemnify the Municipality's employees and designated representatives against all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Municipality. In the event that a claim is asserted against the Municipality, its designated representatives or employees, the Municipality shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Municipality's employees or designated representatives shall be

allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.

8. The Municipality shall inspect the BMP(s) at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded among the land records of Clinton County, Pennsylvania and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WAYNE TOWNSHIP

BY: _____

(SEAL)

WITNESS:

LANDOWNER

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CLINTON)

On this the ____ day of _____, 2002, before me, a notary public, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public
My Commission Expires:

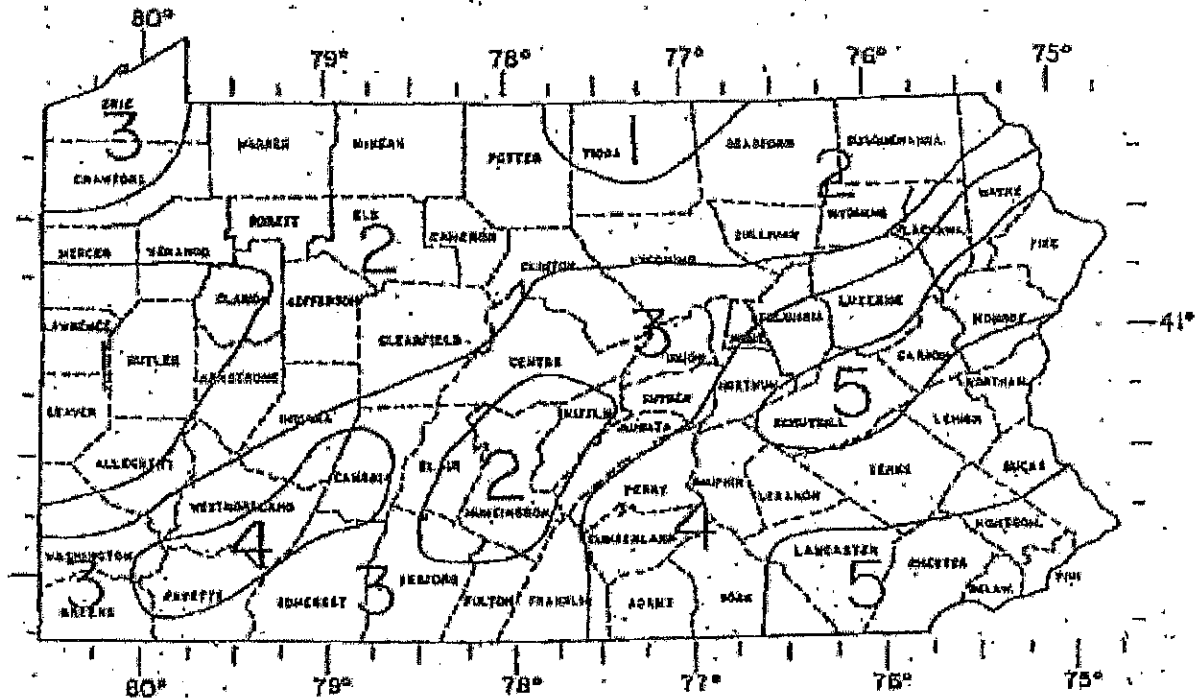
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF CLINTON)

On this, the ____ day of _____, 2002, before me, the undersigned officer, personally appeared _____, who acknowledged himself to be the _____ of Wayne Township, the foregoing municipality, and that as such, he, being authorized by such corporation to do so, executed the foregoing Agreement for the purpose therein contained by signing his name thereon as such.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public
My Commission expires:

Appendix C



Hydrologic Regions With Uniform Rainfall (PennDOT Field Manual, May 1986)

24-Hour Storm Values Representing 90 % of Annual Rainfall

| Rainfall Region | Inches |
|-----------------|--------|
| 1 | 1.13 |
| 2 | 1.48 |
| 3 | 1.60 |
| 4 | 1.95 |
| 5 | 2.04 |

APPENDIX D

LOW IMPACT DEVELOPMENT PRACTICES

ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

Natural hydrologic conditions may be altered radically by poorly planned development practices. Deleterious activities include introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture in a detention basin in accordance with the local regulations. This approach leads ultimately to the expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize post-development runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate depend upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve for the alternative approach:

- **Preserving Natural Drainage Features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in modern developments. In fact, commonly held drainage philosophy encourages just the opposite pattern. Streets and adjacent storm sewers typically are located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. Runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimizes the amount of grading on site.
- **Protecting Natural Depressional Storage Areas.** Depressional storage areas have no surface outlet or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by

filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

- **Avoiding introduction of impervious areas.** A careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.
- **Reducing the Hydraulic Connectivity of Impervious Surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are routing of roof runoff over lawns and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff, and should help reduce concentration of runoff to a single point in the development.
- **Routing Roof Runoff Over Lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. By routing roof drains and crowning the driveway to run off to the lawn, the lawn is essentially used as a filter strip.
- **Reducing the Use of Storm Sewers.** By reducing use of storm sewers for draining streets, parking lots, and back yard, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a "reasonable" time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.
- **Reducing Street Widths.** Street widths can be reduced by either eliminating on street parking or by reducing roadway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets which ultimately could lower maintenance,
- **Limiting Sidewalks to One Side of the Street.** A sidewalk on one side of the street may suffice a low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.
- **Using Permeable Paving Materials.** These materials include permeable interlocking

concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.

- **Reducing Building Setbacks.** Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.
- **Constructing Cluster Developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development clusters the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

In summary, a careful consideration of the existing topography and implementation of combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include reduced potential of downstream flooding, water quality degradation of receiving streams/water bodies and enhancement of aesthetics and reduction of development costs. Beneficial results include more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage,

Note: This information has been developed from various sections presented in "Pennsylvania Handbook of BMP's for Developing Areas" prepared by CH2M HILL under a contract with PACD.

ORDINANCE NO. 10.21.02

AN ORDINANCE AMENDING ORDINANCE NO. 7.15.2002

The Wayne Township Zoning Ordinance, numbered 7.15.2002 is amended as follows:

SECTION 1: Article 3, Section 302 of the Wayne Township Zoning Ordinance, Ordinance No. 7.15.2002, is amended to remove the following from Permitted Principal Uses and Structures:

...5. Agricultural uses, except animal husbandry, commercial or otherwise, but otherwise including land cultivation, forestry, and horticulture (See Section 421.)

SECTION 2. Article 3, Section 303 of the Wayne Township Zoning Ordinance, Ordinance No. 7.15.2002, is amended to remove the following from Permitted Principal Uses and Structures:

...7. Agricultural uses, except animal husbandry, commercial or otherwise, but otherwise including land cultivation, forestry, and horticulture (See Section 421.)

SECTION 3. Article 3, Section 305 of the Wayne Township Zoning Ordinance, Ordinance No. 7.15.2002, is amended to remove the following from Permitted Principal Uses and Structures:

...12. Agricultural uses, except animal husbandry, commercial or otherwise, but otherwise including land cultivation, forestry, and horticulture (See Section 421.)

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 5: It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses and phrases of these amendments and

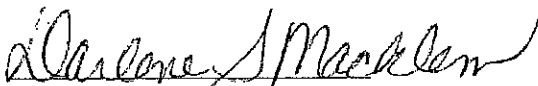
additions are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance, its amendments and additions, is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance, its amendments or additions.

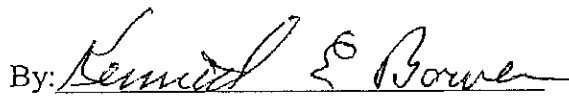
SECTION 6. This Ordinance shall become effective on the earliest date provided by Township Law.

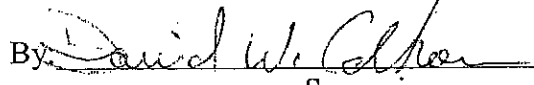
ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County Pennsylvania, this 21st day of October, 2002, in lawful session, duly assembled. .

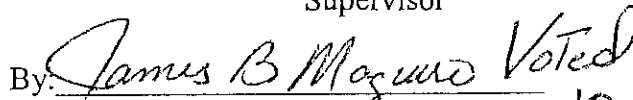
ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA


Secretary

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor Voted
NO

ORDINANCE NO. 12,10,02

AN ORDINANCE OF WAYNE TOWNSHIP PROHIBITING THE
KEEPING OF ANIMALS MAKING DISTURBING NOISES

The Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, hereby ordains as follows:

SECTION 1: The Board of Supervisors of Wayne Township find that excessive levels of sound caused by animals are detrimental to the physical, mental, and social well-being of the people as well as to their comfort, living conditions, general welfare, and safety and therefore declare it to be necessary to provide for the greater control and more effective regulation of excessive sound from animals within Wayne Township.

SECTION 2: It shall be illegal within Wayne Township for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for one-half (1/2) hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a public health and welfare hazard; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

SECTION 3. Prior to any formal proceedings under this Ordinance, the owner or person violating this Ordinance shall be given a written warning of the conduct constituting a violation by the Board of Supervisors or its designated agent.

SECTION 4. Penalties. – Any person who violates or permits a violation of this Article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than Six Hundred (\$600.00) Dollars, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this Article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the person found in violation of the Ordinance neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure enacted by the Pennsylvania Supreme Court. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction to enforce compliance herewith.

SECTION 5. In addition to any police officer, or Wayne Township Supervisor, the Wayne Township Zoning Officer is hereby designated as an agent for Wayne Township for purposes of enforcing this Ordinance.

SECTION 6. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 7. If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Wayne Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County Pennsylvania, this 10th day of December, 2002, in lawful session, duly assembled. .

ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA

K. Carline Macklem
Secretary

By: Kenneth E. Bowe
Supervisor

By: James B. Maguire
Supervisor

By: David W. Calhoun
Supervisor

ORDINANCE NO. 7.21.03.1

AN ORDINANCE AMENDING ORDINANCE NO. 7.15.2002

The Wayne Township Zoning Ordinance numbered 7.15-2002 is amended as follows:

SECTION 1: Article 3, Section 307 of the Wayne Township Zoning Ordinance No. 7.15.2002 is amended to add the following conditional use:

...10. Rental space for commercial vehicles such as trucks and trailers, except trucks and trailers which haul explosives, bio-hazardous/hazardous waste, or any other hazards or potential hazards to the health and welfare of the community, along with motor homes, boats, campers, and similar type vehicles, whether commercial or otherwise.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 3: It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses, and phrases of these amendments and additions are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance, its amendments and additions, is declared unconstitutional, illegal, or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses, or phrases of this Ordinance, its amendments or additions.

SECTION 4: This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township,
Clinton County, Pennsylvania, this 21st day of July, 2003, in lawful session,
duly assembled.

ATTEST:

TOWNSHIP OF WAYNE,
CLINTON COUNTY, PENNSYLVANIA

Marlene Macklem
Secretary

By: Kenneth E. Bower
Supervisor

By: _____
Supervisor

By: David W. Alton
Supervisor

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township,
Clinton County, Pennsylvania, this 21st day of July, 2003, in lawful session,
duly assembled.

ATTEST:

TOWNSHIP OF WAYNE,
CLINTON COUNTY, PENNSYLVANIA

Marlene S. Macklem
Secretary

By: Kenneth E. Bower
Supervisor

By: _____
Supervisor

By: David W. Alper
Supervisor

ORDINANCE NO. 4.26.04

AN ORDINANCE AMENDING ORDINANCE NO. 7.15.2002

The Wayne Township Zoning Ordinance, No. 7.15.2002 is amended as follows:

SECTION 1: Article 3, Section 307 of the Wayne Township Zoning Ordinance, Ordinance No. 7.15.2002, is amended to add the following Conditional Use:

...11. Non-commercial, non-profit animal husbandry.

SECTION 2: Article 4, Section 421 A of the Wayne Township Zoning Ordinance, Ordinance No. 7.15.2002, is amended to add the following:

...8. In addition to the requirements and criteria contained in Article 11, Section 1101 of this Ordinance, the Board of Supervisors shall consider in placing conditions for non-commercial, non-profit animal husbandry use of land in the LI Zone, the following:

- a. Whether there is sufficient acreage to allow for a maximum of one (1) animal per acre;
- b. Whether the use will create any type of nuisance or hazard to owners, residents, or users of adjoining real estate;
- c. Control of animals, via, but not limited to adequate fencing, gates, barriers, and/or human surveillance;
- d. Location of feed lots, compost, manure or other enclosed or unenclosed storage;
- e. Appropriate management of feed lots, compost, manure and the like, given the size of the particular lot to be utilized and given the location of streams, water bodies, wetland areas, and adjoining properties;
- f. Appropriate/adequate shelter for the animal(s); and

g. Appropriate setbacks for any shelter to house animals, taking into account the type(s) and number(s) of such animal(s), along with the particular lot size.

SECTION 3: Article 13, Section 1301 is amended to include the following:

...NON-COMMERCIAL, NON-PROFIT ANIMAL HUSBANDRY – the boarding or raising of goats, sheep, or llamas, less than fifty (50) in number, for purposes other than profit, trade, traffic, or any other commercial use, it being understood that the definition of Animal Equivalent Unit contained in this Section shall not be applicable. Section 421A of Article 4 shall specifically apply to this use.

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith shall be and the same are expressly repealed.

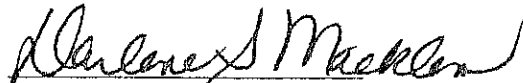
SECTION 5: It is declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses, and phrases of these amendments and additions are severable. If any part, section, paragraph, sentence, clause, or phrase of this Ordinance, its amendments and additions, is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance, its amendments or additions.

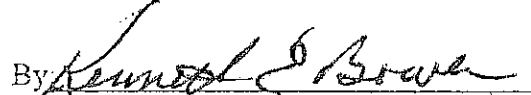
SECTION 6: This Ordinance shall become effective on the earliest date provided by Township law.


ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township,
Clinton County, Pennsylvania, this 26th day of April, 2004. in lawful
session, duly assembled.

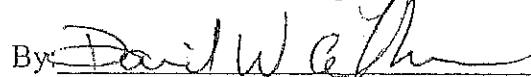
ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA


Secretary

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor

ORDINANCE NO. 5.17.04

AN ORDINANCE AMENDING ORDINANCE NO. 7.15.2002

The Wayne Township Zoning Ordinance, No. 7.15.2002 is amended as follows:

SECTION 1: Article 3, Section 304 of the Wayne Township Zoning Ordinance, Ordinance No. 7.15.2002, is amended to add the following Conditional Use:

...7. Retail sales of sporting goods, including archery equipment and in-door archery range.

SECTION 2: Article 13, Section 1301 is amended to include the following:

SPORTING GOODS – Any equipment and/or clothing utilized in or appropriate for sports or recreation.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 4: It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses, and phrases of these amendments and additions are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance, its amendments and additions, is declared unconstitutional, illegal, or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses, or phrases of this Ordinance, its amendments or additions.

SECTION 5: This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township,

Clinton County, Pennsylvania, this 17th day of May, 2004, in lawful session,
duly assembled.

ATTEST:

TOWNSHIP OF WAYNE, CLINTON
COUNTY, PENNSYLVANIA

Maureen Macklem
Secretary

By: Kenneth E Bower
Supervisor

By: James B Maguire
Supervisor

By: David W. Calkin
Supervisor

ORDINANCE NO. 7.18.2005.01

AN ORDINANCE AMENDING ORDINANCE NO. 7.15.2002 OF
THE WAYNE TOWNSHIP ZONING ORDINANCE

The Board of Supervisors of Wayne Township hereby amends the Wayne Township Zoning Ordinance, numbered 7.15.2002, as follows:

SECTION 1: The Official Zoning Map, referenced in Article 2, Section 202 of the Wayne Township Zoning Ordinance, is amended to provide a change in classification from Highway Interchange to Light Industrial for those parcels owned by K & P Partnership (Faber Burner) and designated as Tax Parcel Nos. 129-A1, 128B-1A and 103A.

SECTION 2: All Ordinances or parts of Ordinances inconsistent herewith shall be and same are expressly repealed.

SECTION 3. This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County Pennsylvania, this 18th day of July, 2005, in lawful session, duly assembled.

ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA

Barbara Macklem
Secretary

By: Thomas E. Brown
Supervisor

By: James B. Maguire
Supervisor

By: David W. Calhoun
Supervisor

WAYNE TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 12-15-08

AN ORDINANCE OF WAYNE TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA, GOVERNING SEWERS AND SEWAGE DISPOSAL REGULATING AND MANAGING ON-LOT DISPOSAL SYSTEMS WITHIN THE TOWNSHIP.

WHEREAS, in conjunction with an amendment to Wayne Township's Act 537 Plan and pursuant to the Pennsylvania Clean Streams Law and Pennsylvania Sewage Facilities Act, the Pennsylvania Department of Environmental Protection desires the Township of Wayne to adopt an On-Lot Sewage Management Program Ordinance to regulate on-lot disposal systems within the Township; and

WHEREAS, the Supervisors of the Township of Wayne desire to adopt an On-Lot Sewage Management Program Ordinance to comply with the requirements of the Pennsylvania Department of Environmental Protection in conjunction with the amendment of the Township's Act 537 Plan, the Pennsylvania Clean Streams Act and the Pennsylvania Sewage Facilities Act.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of the Township of Wayne, Clinton County, Pennsylvania, as follows:

SECTION I: Short Title; Introduction; Purpose.

- 1) This Ordinance shall be known and may be cited as "An Ordinance Providing for a Sewage Management Program for Wayne Township".
- 2) In accordance with the Municipal Codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 25, 1966, P.L. 1535, as amended, 35 P.S. §750.1, et. seq., known as Act 537), it is the power and the duty of Wayne Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Wayne Township indicates that it is necessary to formulate and implement a Sewage Management Program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- 3) The purpose of this Ordinance is to provide for the regulation, inspection, maintenance, and rehabilitation of on-lot disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to

establish penalties and appeal procedures necessary for the proper administration of a Sewage Management Program.

SECTION II: Definitions.

“Authorized Agent” shall mean a Sewage Enforcement Officer, Employee of the Township, Professional Engineer, Plumbing Inspector, or any other qualified or licensed person who is authorized to function within specified limits as an Agent of Wayne Township to administer or enforce the provisions of this Ordinance.

“Board” shall mean the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania.

“Community Sewage System” shall mean any system, whether publicly or privately owned, for the collection of sewage from two (2) or more lots, and the treatment and/or disposal of the sewage on one (1) or more lots or at any other site.

“Department” shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

“Individual Sewage System” shall mean a system of piping, tanks or other facilities serving a single lot and collection and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

“Malfunction” shall mean a condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causing a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

“Official Sewage Facilities Plan” shall mean a comprehensive Plan for the provision of adequate sewage disposal systems, adopted by the Board of Supervisors and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

“On-Lot Disposal System (OLDS)” shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.

"Owner" shall mean any person who, alone or jointly or severally with others, shall have legal title to any land, dwelling, or dwelling unit, with or without accompanying actual possession thereof.

"Person" shall mean any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term Person shall include the members of an association, partnership, or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

"Registered Septage Hauler" shall mean any person who has received an OLDS inspection training by the Sewage Enforcement Officer employed by the Township and is registered with the Township to remove septage or other solids from treatment tanks of OLDS, holding tanks, privies, aerobic tanks, cesspools or any other sewage disposal facility within the Township.

"Rehabilitation" shall mean work done to modify, alter, repair, enlarge or replace an existing OLDS.

"Septage Pumping/OLDS Inspection Report Form" shall mean a completed Inspection Form made to the Township by an Authorized Agent providing service to an OLDS within the Township which at a minimum contains the name and address of the Septage Hauler, if any, the name of the owner, the address of the property upon which the OLDS is located, the number of people living at the address, a description of all services performed by the Authorized Agent, a statement concerning the condition of the septic tank and its inlet and outlet baffles, the location at which any septage removed from the OLDS will be disposed, a description of the condition of the OLDS, a statement noting whether any malfunctions of the OLDS were observed. The Form shall expressly state the condition of the baffles and whether the Authorized Agent informed the landowner that the baffles should be replaced.

"Sewage" shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply, or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law", as amended.

"Sewage Enforcement Officer" shall mean a person certified by DEP who is employed by the Township. Such person is authorized to conduct investigations and inspections, review Permit Applications, issue or deny Permits and to do all other activities as may be provided for such person in Sewage Facilities Act, the Rules and Regulations promulgated thereunder, and this or any other Ordinance adopted by the Township.

“Sewage Management Program” shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, the Sewage Facilities Act, the Clean Streams Law, the Regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Ordinance.

“Subdivision” shall mean the division or re-division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

“Township” shall mean the Township of Wayne, Clinton County, Pennsylvania.

For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the sewage facilities act and regulations promulgated thereunder.

SECTION III: Applicability.

The provisions of this Ordinance shall apply to all owners of any property served by an OLDS and to all owners installing or rehabilitating OLDS within Wayne Township.

SECTION IV: Permit Requirements.

1) No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system, or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed, without first obtaining a Permit from the Sewage Enforcement Officer which Permit shall indicate that the site and the Plans and Specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. §750.1, et. seq.) and the Regulations adopted pursuant to those Acts.

2) No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by a Sewage Enforcement Officer. If seventy-two (72) hours have elapsed, excepting Sundays and Holidays, since the Sewage Enforcement Officer issuing the Permit received notification of completion of construction, the Applicant may cover said system or structure unless permission has been specifically refused by the Sewage Enforcement Officer.

3) Applicants for Sewage Permits shall be required to notify the Sewage Enforcement Officer of the schedule for construction of the permitted OLDS so that the inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by a Sewage Enforcement Officer.

4) No Building, Zoning or Occupancy Permit shall be issued for a new building which will contain sewage-generating facilities until a valid Sewage Permit has been obtained from a Sewage Enforcement Officer.

5) No Building, Zoning or Occupancy Permit shall be issued and not work shall begin on any alteration or conversion of any existing structure, if said alteration or conversation will result in the increase, or potential increase, in sewage flows from the structure, until either the structures' Owner receives a Permit for alteration or replacement of the existing Sewage Disposal System or until the structure's Owner and the appropriate Officials of the Township receive notification from a Sewage Enforcement Officer that such a Permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

6) Sewage Permits may be issued only by a Sewage Enforcement Officer employed by the Township. DEP shall be notified as to the identity of each Sewage Enforcement Officer employed by the Township.

SECTION V: Administration.

1) Owner(s) shall be notified in writing by the Township of the need to arrange for an inspection of their OLDS and/or the need to pump their septic tank. Notices shall be sent to the Owner(s) of record maintaining an OLDS as determined by the then current tax rolls of the Township. Notices shall be sent by First Class, Ordinary Mail, with the securing of a Certificate of Mailing in conjunction with the same.

2) Upon receipt of notification, Owner(s) shall pay such administrative fees to the Township as established, from time to time, by Township Resolution and obtain a Septage Pumping/OLDS Inspection Form from the Township office.

3) Owner(s) shall provide one (1) copy of any completed Septage Pumping/OLDS Inspection Form, as required by this Ordinance, to the Township within fifteen (15) days.

4) A list of Authorized Agents who may perform the inspection of an OLDS and/or pump septic tanks shall be kept on file at the Township office and provided to Owner(s) at the time they obtain their Septage Pumping/OLDS Inspection Form.

5) All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of OLDS in the Township shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to Sewage Permits, Building Permits, Occupancy Permits and all other aspects of the Sewage Management Program shall be made available, upon request, for inspection by Representatives of DEP.

6) The Township Board of Supervisors shall establish, by Resolution, all administrative procedures necessary to properly carry out the provisions of this Ordinance.

SECTION VI: Inspections.

1) Any OLDS shall be inspected by an Authorized Agent of the Township and/or pumped by a Registered Septage Hauler retained by the Owner(s) within one (1) year after receiving notification in writing by the Township, as set forth in Section V, above.

2) Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the OLDS itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

3) An Authorized Agent shall have the right to enter upon land for the purposes of inspection described in this Ordinance and, if necessary, to secure and obtain an Administrative Search Warrant toward that end.

4) Initial inspections of all OLDS within the Township shall be conducted by an Authorized Agent within three (3) years of the effective date of this Ordinance for the purpose of determining the type and functional status of each OLDS. The initial inspection of all OLDS within the Township shall be phased-in over the course of three (3) years of the effective date of this Ordinance, with approximately one-third (1/3rd) of all OLDS within the Township being inspected each successive year during the initial three (3) years from the effective date of this Ordinance.

SECTION VII: Operation.

Only domestic waste shall be discharged into any OLDS. The following shall not be discharged into the system:

- 1) Industrial waste.
- 2) Automobile oil and other non-domestic oil.
- 3) Toxic or hazardous substances or chemicals, including, but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
- 4) Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

SECTION VIII: Maintenance.

1) After the initial inspection of an Owner(s)' OLDS as provided herein, said OLDS shall be inspected by an Authorized Agent at least once every three (3) years. If the tank is filled with solids or scum in excess of one-third ($1/3^{\text{rd}}$) of the liquid depth of the tank, or if the pumping of septage is required for a proper inspection, a Registered Septage Hauler shall pump the contents from the tank. A completed septage pumping/OLDS Inspection Form shall be provided to the Township after each inspection and/or pumping.

2) The required inspection frequency may be increased at the discretion of the Township or their Authorized Agent if the septic tank is undersized, if solids build-up in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions, or for other good cause shown.

3) Any person owning a building served by an OLDS which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the Service Agreement shall be submitted to the Township with their initial Sewage Pumping/OLDS Inspection Form. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case shall the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.

4) Additional maintenance shall be applied as needed including, but not limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc..

SECTION IX: Compliance with Tank Maintenance Requirements.

Any Owner(s) maintaining an OLDS must certify on the Septage Pumping/OLDS Inspection Form that the septage does not contain any substances or chemical compounds not considered sewage by definition in this Ordinance as defined in Section VII.

SECTION X: System Rehabilitation.

1) No person shall operate or maintain an OLDS in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a Permit for such discharge has been obtained from DEP.

2) A written Notice of Violation shall be issued to any person(s) who is/are the Owner(s) which is found to be served by a malfunctioning OLDS or which is discharging sewage without a Permit.

3) With seven (7) days of notification by the Township that a malfunction has been identified, the Owner(s) shall make application to the Sewage Enforcement Officer for a Permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

4) A Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.

5) In lieu of, or in combination with, the remedies described in Subsection Four (4), above, a Sewage Enforcement Officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devises and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.

6) In the event that the rehabilitation measures in Subsections One (1) through Five (5) are not feasible or effective, the Owner(s) may be required to apply for a Permit to install an individual spray irrigation treatment system or to DEP for a single residential treatment and discharge system. Upon receipt of said Permit, the Owner(s) shall complete construction of the system within sixty (60) days.

7) Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing On-Lot Sewage Disposal System, the Owner(s) is/are not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

SECTION XI: Liens.

The Township, upon written notice from a Sewage Enforcement Officer that an imminent health hazard exists resulting from the failure of Owner(s) to maintain, repair or replace an OLDS as provided under the terms of this Ordinance, shall have the authority to perform, or contract to have performed, the work required by the Sewage Enforcement Officer. The Owner(s) shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with applicable local, county and/or state law.

SECTION XII: Disposal of Septage.

1) All septage originating within the Township shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §6018.101, et. seq.) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities all include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

2) Septage Haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §6018.101-6018.1003) and all other applicable laws.

SECTION XIII: Appeals.

1) Appeals from final decision of the Township's Authorized Agents under this Ordinance shall be made to the Board of Supervisors, in writing, within thirty (30) days from the date of written notification of the decision in question.

2) The Appellant shall be entitled to a hearing before the Board of Supervisors at a regular scheduled meeting, or special meeting, within forty-five (45) days of receipt of appeal. The municipality shall thereafter affirm, modify or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the Appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written Notice of Appeal.

3) A decision shall be rendered, in writing, within thirty (30) days of the date of the hearing.

SECTION XIV: Violations and Penalties.

Any person(s) who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a District Justice, in the manner provided for the enforcement of Summary Offenses, under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues, or each Section of this Ordinance which shall be found to have been violated, shall constitute a separate offense.

SECTION XV: Ratification.

Any Ordinance of the Township of Wayne, Clinton County, Pennsylvania, otherwise addressing sewage collection, sewage disposal and/or regulation of same is ratified and confirmed, except insofar as the within Ordinance shall modify the same.

SECTION XVI: Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION XVII: Severability.

If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

SECTION XVIII: Effective Date.

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED, this 15th day of December 2008, by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Harlan S. Macklem
Secretary

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA

By: David W. Calkins
Supervisor

By: James B. Maguire
Supervisor

By: Thomas P. Whitwood
Supervisor

ORDINANCE NO. 07,20,2009

AN ORDINANCE AMENDING ORDINANCE NO. 7.15.2002

The Wayne Township Zoning Ordinance, No. 7.15.2002 is amended as follows:

SECTION 1: Article 3, Section 307 of the Wayne Township Zoning Ordinance, Ordinance No. 7.15.2002, is amended to add the following Conditional Use:

10. Wastewater treatment facilities for gas/natural gas production.

SECTION 2: Article 4, is amended to include the following:

Section 420.1 – Gas/natural gas wastewater treatment

Wastewater treatment for gas/natural gas extraction may be permitted only as specified in the district regulations, Article 3. Such operation shall comply with all state and federal regulations governing such activities and evidence of such compliance shall be submitted with any application for said activity. In addition, the operation shall meet the criteria established for industrial uses in Section 4.18 of this Ordinance, along with those criteria contained in Article 11, Section 11.01 (dealing with Conditional Uses), as well as the standards outlined below. (Where, the requirements of this Ordinance conflict with any state or federal laws or regulations pertaining to wastewater treatment facilities, such state or federal law shall prevail.)

A. Applicant shall provide a full set of plans and documents to the Township which indicate that all state and federal regulations for such activities have been met. Wastewater treatment operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to site shall be arranged to minimize danger to traffic and nuisance to surrounding properties. All applicants shall provide the Township with an analysis of the impact of their development on Township roads, including an indication of the weight of all trucks to be used in the operation. If it is determined appropriate by the Supervisors, a Road Repair/Maintenance Bond and/or a Road Repair/Maintenance Agreement may be required by the Supervisors from the applicant.

B. No stockpiles, waste piles or active processing equipment shall be located closer than 1,000 feet to any residential district.

C. No ponding of wastewater shall be permitted.

- D. No operational equipment shall be located closer than 500 feet to a residential district.
- E. No processing equipment, stock pile, waste piles, or truck parking area shall be located closer than 100 feet to the right-of-way of any public street.
- F. No part of any wastewater treatment facility shall be located closer than 200 feet to any property line.
- G. All other setback requirements contained in other sections of this Ordinance not addressed by this section, shall remain in full force and effect.
- H. Screen plantings, buffering and/or fencing shall be provided along the perimeter of the site as specified via conditional use proceedings provided for in Article 11, Section 11.01 of this Ordinance.
- I. Following completion of operations for wastewater treatment, applicant shall restore the area, as reasonably possible, to the condition of the property immediately before commencement of construction/operation of wastewater treatment facilities. The applicant shall provide plans and proposals to the Township indicating the process to be followed to bring about this restoration as part of its application for such use. If it is determined appropriate by the Supervisors, they may require a Performance Bond from the applicant to ensure that such restoration shall take place.

SECTION 3: Article 13, Section 13.01 is amended to include the following:

GAS/NATURAL GAS – any fluid, either combustible or non-combustible which is produced in a natural state from the earth or any by product gas or any mixture of gases.

GAS/NATURAL GAS WASTEWATER TREATMENT FACILITY – any facility, either temporary or permanent in nature, which is utilized to treat wastewater from the production of gas/natural gas.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 5: It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses, and phrases of these amendments and additions are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance, its amendments and additions, is declared unconstitutional, illegal, or otherwise

invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses, or phrases of this Ordinance, its amendments or additions.

SECTION 6: This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, this 20th day of July, 2009, in lawful session, duly assembled.

ATTEST:

Harlene S. Macklem
Secretary

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA

By: David W. [Signature]
Supervisor

By: James B. [Signature]
Supervisor

By: Charles R. [Signature]
Supervisor

ORDINANCE NO. 04.19.2010

AN ORDINANCE AMENDING WAYNE TOWNSHIP'S ZONING ORDINANCE BY
AMENDING A PORTION OF THE ZONING MAP

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, hereby ordains as follows:

SECTION 1: The Zoning Map of the Township of Wayne is hereby amended as follows:

1. The parcel owned by First Quality Hygienic, Inc. and marked as Tax Parcel No. 01-01-0103-A12, more particularly described as follows:

ALL THAT CERTAIN piece or parcel of land situate in Wayne Township, Clinton County, Pennsylvania, bounded and described in accordance with a survey by Kerry A. Uhler and Associates dated June 22, 2000, and revised June 26, 2000, as follows:

BEGINNING at a point at the intersection of PA State Route 1005 and North Road in Wayne Township, Clinton County, said point being the Southwesterly corner of lands of First Quality Hygienic, Inc.; thence along the Easterly line of PA State Route 1005 the following four (4) courses and distances: (1) North 33 degrees 58 minutes 42 seconds West, a distance of one hundred thirteen and 82/100 (113.82) feet to an iron pin set; (2) North 26 degrees 24 minutes 20 seconds West, a distance of two hundred nineteen (219) feet to an iron pin set; (3) North 22 degrees 12 minutes 01 second West, a distance of sixty-eight and 18/100 (68.18) feet to an iron pin set; and (4) North 26 degrees 24 minutes 20 seconds West, a distance of fourteen and 1/100 (14.01) feet to an iron pin set; thence the following two (2) courses along lands now or late of the Clinton County Solid Waste Authority; (1) North 39 degrees 43 minutes 44 seconds East, a distance of forty (40) feet to an iron pin set; and (2) North 26 degrees 24 minutes 20 seconds West, a distance of forty-one and 40/100 (41.40) feet to an iron pin set; thence along the access road of the Clinton County Solid Waste Authority, North 39 degrees 43 minutes 44 seconds East, a distance of five hundred thirty-two and 8/100 (532.08) feet to an iron pin at the entrance to a pair of culverts leading under the access road; thence along lands now or late of the Clinton County Economic Partnership, South 65 degrees 34 minutes 18 seconds East, a distance of three hundred fourteen and 29/100 (314.29) feet to an iron pin set; thence continuing along lands of the Clinton County Economic Partnership, South 38 degrees 32 minutes 45 seconds East, a distance of Three hundred sixty-seven and 3/100

(367.03) feet to an iron pin set at the Northerly right-of-way of North Road; thence along North Road, South 39 degrees 25 minutes 55 seconds West, a distance of forty-seven and 30/100 (47.30) feet to an iron pin set; thence continuing along a curve to the right having a radius of seven hundred forty (740) feet, an arc length of three hundred twelve and 07/100 (312.07) feet, a chord bearing of South 51 degrees 30 minutes 48 seconds West, and a chord length of three hundred nine and 76/100 (309.76) feet to an iron pin set; thence continuing along North Road, South 63 degrees 35 minutes 40 seconds West, a distance of four hundred forty-two and 79/100 (442.79) feet to the place of beginning. Containing nine and 66/100 (9.66) acres, more or less.

shall be changed in classification from Village Center (V-C) to Light Industrial (L-I).

2. The parcel owned by Clinton County Economic Partnership and marked as Tax Parcel No. 01-01-0103-A12A, more particularly described as follows:

ALL THAT CERTAIN piece or parcel of land situate in Wayne Township, Clinton County, Pennsylvania, bounded and described in accordance with a survey made by Kerry A. Uhler & Associates, dated January 3, 1997, and recorded in Clinton County Plat Book 10, page 52, as follows:

BEGINNING at an iron pin on the Southerly right-of-way line of the Clinton County Solid Waste Authority and being North 39 degrees 43 minutes 44 seconds East, a distance of six hundred twelve and 8/100 (612.08) feet from the Easterly right-of-way of Pennsylvania Legislative Route 18032; thence along said right-of-way, North 39 degrees 43 minutes 44 seconds East, a distance of one hundred forty-five and 85/100 (145.85) feet to a point; thence along the line between First Quality Hygienic, Inc., South 38 degrees 32 minutes 45 seconds East, a distance of three hundred nine and 61/100 (309.61) feet to an iron pin on the Easterly bank of an unnamed stream; thence on a line leading across a pair of culverts and following the center line of said stream, North 65 degrees 34 minutes 18 seconds West, a distance of three hundred fourteen and 29/100 (314.29) feet to the place of beginning. Containing 50/100 (.50) of an acre, more or less.

shall be changed in classification from Village Center (V-C) to Light Industrial (L-I).

SECTION 2: If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Wayne Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3: All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed.

SECTION 4: This Amendment shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, this 19th day of April, 2010, in lawful session, duly assembled.

ATTEST:

TOWNSHIP OF WAYNE,
CLINTON COUNTY, PA

By: Charlene S. Macklon
Secretary

By: Dea Welch
Supervisor

By: Thomas W. Whitwood
Supervisor

By: _____
Supervisor

ORDINANCE NO. 03.21.2011

**AN ORDINANCE AMENDING WAYNE TOWNSHIP'S ZONING ORDINANCE
BY AMENDING A PORTION OF THE ZONING MAP**

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, have received a request that certain real estate be re-zoned from Village Center (V-C) to Light Industrial (L-I); and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, has reviewed such request and examined the area/parcels in question; and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, believes it is in the best interests of the Township and its citizens to amend the Township's Zoning Ordinance by amending its Zoning Map.

NOW THEREFORE, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, hereby ordain as follows:

SECTION 1: The Zoning Map of the Township of Wayne is hereby amended to provide that the following parcels shall be changed in classification from Village Center (V-C) to Light Industrial (L-I):

1. The Parcel marked as Tax Parcel No. 01-01-0104, more particularly described in Clinton County Deed Book Volume 295, page 765 as follows:

BEGINNING at a point being the intersection of the East line of the right-of-way of Pennsylvania Route A-7081 and the Northern line of lands now or late of Pennsylvania Power & Light Company; thence along the right-of-way of Pennsylvania Route A-7081 the following eight (8) courses and distances: (1) North 33 degrees 40 minutes West, one hundred thirty-two (132) feet; (2) North 27 degrees 16 minutes

West, one hundred eighty (180) feet; (3) North 62 degrees 44 minutes East, ten (10) feet; (4) North 27 degrees 16 minutes West, two hundred (200) feet; (5) South 62 degrees 44 minutes West, five (5) feet; (6) North 27 degrees 16 minutes West one hundred twenty-eight (128) feet; (7) South 62 degrees 44 minutes West, two and 5/10 (2.5) feet; and (8) North 27 degrees 16 minutes West eleven and 7/10 (11.7) feet; thence along lands now or late of Mervin Eyer, North 59 degrees 14 minutes East, a distance of five hundred eleven and 5/10 (511.5) feet; thence along lands now or late of W. Gunsallus and Byron McKernan, South 40 degrees 53 minutes East, four hundred twenty-four and 9/10 (424.9) feet; thence along lands now or late of Pennsylvania Power & Light Co., South 38 degrees 31 minutes West, six hundred fifty-six and 3/10 (656.3) feet to the place of beginning. Containing seven and 01/100 (7.01) acres, more or less.

2. The Parcel marked as Tax Parcel No. 01-01-0043, more particularly described as Parcel No. 1 in Clinton County Instrument No. 2010-1610 as follows:

BEGINNING at a post corner of land now or formerly of Glenn E. McCloskey; thence South 32 degrees East, a distance of five (5) perches to a post on the public road leading from Wayne Station to Sugar Valley; thence North 56 degrees East, a distance of thirty-one and 6/10 (31.6) perches to the line of land now or formerly of Florence McGuire; thence North 45 degrees West, a distance of five (5) perches to a post on line of land now or formerly of Glenn E. McCloskey; thence along land now or formerly of Glenn E. McCloskey, South 56 degrees West, a distance of thirty-two (32) perches to the place of beginning. Containing one (1) acre neat measure.

3. The Parcel marked as Tax Parcel No. 01-01-0044, more particularly described as Parcel No. 1 in Clinton County Instrument No. 2010-2330 as follows:

BEGINNING at an iron pin on the East line of Highway Route No. A-7081 leading from Highway Route No. 18013 to Highway Route No. 220, said iron pin being the Northwest corner of land now or formerly of Mervin Eyer; thence along the East line of Highway Route No. A-7081, North 26 degrees 30 minutes West, a distance of fifty (50) feet to an iron pipe; thence by land now or formerly of Arthur Workman, North 58 degrees 30 minutes East, a distance of one hundred twenty-four (124) feet to an iron pipe; thence along the East line of a twenty (20) foot alley, North 23 degrees 20 minutes West, a distance of two hundred forty-five (245) feet to an iron pipe on the South line of a Township Road; thence along the South line of said Township Road, North 48 degrees 25 minutes East, a distance of thirty-one and 1/10 (31.1) feet to an

iron pipe; thence by land now or formerly of the Ladies Aid Society of McElhattan Methodist Church, the following three (3) courses and distances: (1) South 41 degrees 35 minutes East, a distance of one hundred (100) feet to an iron pipe; (2) North 48 degrees 25 minutes East, a distance of one hundred (100) feet to an iron pipe; and (3) North 41 degrees 35 minutes West, a distance of one hundred (100) feet to an iron pipe on the South line of the above mentioned Township Road; thence along the South line of said Township Road, North 48 degrees 25 minutes East, a distance of twenty-two and 9/10 (22.9) feet to an iron pipe; thence by other land now or formerly of Mabel L. Macklem, South 38 degrees no minutes East, a distance of three hundred twenty and 5/0 (320.5) feet to an iron pipe; thence by land now or formerly of Mervin Eyer, South 58 degrees 30 minutes West, a distance of three hundred fifty and 4/10 (350.4) feet to an iron pin, the place of beginning. Containing an area of 1.48 acres.

4. The Parcel marked as Tax Parcel No. 01-01-0042-000-T; more particularly described as Parcel No. 3 in Clinton County Instrument No. 2010-2330 as follows:

TRACT NO. 1 - BEGINNING at the Northwest corner of lands now or formerly of Mabel L. Macklem, single, at the public highway; thence Westward, a distance of ninety-four (94) feet to a stake; thence Southward, a distance of three hundred thirteen (313) feet to lands now or formerly of I. M. Eyer; thence Eastward, a distance of ninety-four (94) feet to lands now or formerly of Richard E. Macklem and Darlene S. Macklem, his wife; thence Northward along line of lands now or formerly of Richard E. Macklem and Darlene S. Macklem, his wife, a distance of three hundred thirteen (313) feet to the public highway, the place of beginning.

TRACT NO. 2 - BEGINNING at a point on the South side of the State Highway, which place of beginning is the Northwestern corner of land now or formerly of Glenn E. and Grace M. McCloskey, his wife, and which place of beginning is directly South of an iron pin located on the North side of the said public highway; thence Southward along lands now or formerly of Perry McGuire to line of land now or formerly of G. H. Phillips, et ux., a distance of three hundred thirteen (313) feet, more or less, from the pin on said North side of Highway to said Phillips lands; thence Westward along lands now or formerly of Phillips, a distance of fifty (50) feet to an iron pin; thence Northward on a line parallel with the line of land now or formerly of McGuire to the State Highway, a distance of three hundred thirteen (313) feet, more or less; thence Eastward along the South side of the said State Highway, a distance of fifty (50) feet to the place of beginning.

5. The Parcel marked as Tax Parcel No. 01-01-0045, more particularly described as Parcel No. 4 in Clinton County Instrument No. 2010-2330 as follows:

NORTHWARDLY by land now or formerly of Joseph McGuire and S. A. Thomas; Eastwardly by land now or formerly of Mary F. McCloskey; Southwardly by other land now or formerly of Mary F. McCloskey; and Westwardly by a twenty (20) foot alley. Containing one hundred (100) square feet.

6. The Parcel marked as Tax Parcel No. 01-01-0046, more particularly described as Parcel No. 2 in Clinton County Instrument No. 2010-2330 as follows:

BEGINNING at a post in the center of the public road leading from Sugar Valley; thence by land now or formerly of Ehud Chatham, North 53 degrees East, a distance of twenty-nine and $\frac{5}{10}$ (29.5) perches to stones on line of land now or formerly of Perry McGuire; thence by land now or formerly of said McGuire, North 43 degrees West, a distance of twenty-one and $\frac{3}{4}$ ($21 \frac{3}{4}$) perches to a post; thence by land now or formerly of W. S. Montgomery, South 45 degrees West, a distance of twenty-five and $\frac{7}{10}$ (25.7) perches to a post in the center of said Sugar Valley Road; thence South 32 degrees East, a distance of seventeen and $\frac{4}{10}$ (17.4) perches to the place of beginning.

EXCEPTING AND RESERVING therefrom a parcel of land conveyed to Mary Frances McCloskey by Deed dated May 4, 1922, and recorded in Clinton County Deed Book Volume 105, Page 47; AND ALSO, a parcel of land, fifty (50) feet by one hundred four (104) feet, conveyed by Thomas G. Simcox and wife to Gainesville M. Johnson, by Deed dated February 5, 1910, and recorded in Clinton County Deed Book Volume 80, Page 183; AND ALSO a parcel of land conveyed to the Commonwealth of Pennsylvania, Department of Transportation consisting of eighty-five (85) square feet, by Deed dated August 3, 1982 for Legislative Route 18032 and recorded in Clinton County Deed Book Volume 282, Page 919; AND ALSO, a parcel of land to William H. Simcox, Jr. and Esther E. Simcox, his wife, by Deed dated December 10, 1984, and recorded in Clinton County Deed Book Volume 290, Page 558, including the improvements thereon erected.

7. The Parcel marked as Tax Parcel No. 01-01-0046A, more particularly described in Clinton County Instrument No. 2010-2494 as follows:

BEGINNING at a point, being the intersection of Pennsylvania Route No. A-7081 and Township Route No. 479, said point being the Northwest corner of the parcel

herein; thence along the Southern line of Township Route No. 479, North 52 degrees 38 minutes East, a distance of one hundred thirty-one and $\frac{5}{10}$ (131.5) feet to a point; thence along line of lands now or formerly of Richard and Darlene Macklem, husband and wife, the following two (2) courses and distances: (1) South 23 degrees 20 minutes East, a distance of two hundred five (205) feet to an iron pin; and (2) South 58 degrees 39 minutes West, a distance of one hundred fifteen and $\frac{7}{10}$ (115.7) feet to an iron pin; thence along Pennsylvania Route No. A-7081, North 27 degrees 16 minutes West, a distance of one hundred eighty-nine and $\frac{6}{10}$ (189.6) feet to a point, the place of beginning.

8. The Parcel marked as Tax Parcel No. 01-01-0063, more particularly described in Clinton County Instrument No. 2003-1364 as follows:

PARCEL A. BEGINNING at a post, the Northwest corner of land now or formerly of Margaret E. McGuire where it adjoins land now or formerly of Bessie Thomas and Samuel A. Thomas; thence Eastwardly and in continuation of the same bearing as the line of land now or formerly of said Margaret E. McGuire, and along other land now or formerly of said Bessie Thomas and Samuel A. Thomas, sixty-five (65) feet to a post; thence at a right angle Southwardly and along other land now or formerly of said Bessie Thomas and Samuel A. Thomas one hundred sixty-two (162) feet to a locust post at the private road facing the premises now or formerly of Thomas G. Simcox; thence Westwardly along said private road sixty-five (65) feet to a post, the Southwest corner of land now or formerly of said Margaret E. McGuire; thence Northwardly along the line of land now or formerly of said Margaret E. McGuire, one hundred sixty-two (162) feet to a post, the place of beginning. Containing ten thousand five hundred thirty (10,530) square feet, neat measure.

PARCEL B. BEGINNING at the Southwest corner of lot of land now or formerly of said Margaret E. McGuire; thence Southwardly along said public road, eighty (80) feet more or less, and until it strikes the Northerly side of a private road leading from said public road to the residence now or formerly of J.P. McGuire and the late Anthony E. Piat, deceased; thence along said private road of the bearing as same was laid out in the year 1844, one hundred twenty (120) feet to a post; thence Northwardly and parallel to said public road fifty (50) feet, more or less, and until it reaches the Southeast corner of lot now or formerly of said Margaret E. McGuire, containing one-sixth ($\frac{1}{6}$) of an acre, more or less.

PARCEL C. BEGINNING at a post one hundred thirty-four and one-half ($134\frac{1}{2}$) feet from the South corner of lands now or formerly of the Philadelphia and Erie Railroad Company; thence Southeastwardly along the East side of said road one

hundred twenty (120) feet to a post on lands now or formerly of Priscilla Montgomery; thence by lands of same in a Northeasterly direction one hundred twenty (120) feet to a post; thence by lands of same in a Northwesterly direction one hundred twenty (120) feet to a post; thence in a Southwesterly direction one hundred twenty (120) feet to a post on the East side of public road, the place of beginning. Containing two (2) lots sixty (60) feet by one hundred twenty (120) feet each.

9. The Parcels marked as Tax Parcel No. 01-01-0064 and 01-01-0065, more particularly described in Clinton County Instrument No. 2007-0048 as follows:

BEGINNING at a point in the Northeasterly line now or formerly of the Sugar Valley Road, at the distance of thirty-two (32) feet measured South 30 degrees 3 minutes East along the said Northeasterly line now or formerly of the Sugar Valley Road, from a point which is distant thirty-three (33) feet measured Southeastwardly and radially from a point in the line established as the center line of railroad of the Pennsylvania Railroad Company, known as the Main Line, Williamsport Division; the prolongation Northwestwardly of said Northeasterly line now or formerly of Sugar Valley Road intersecting said center line of railroad at a point which is at the distance of ninety-four (94) feet, more or less, measured Northeastwardly along said center line of railroad, from another point therein, opposite the center of said Railroad Company's McElhattan Passenger Station, extending from the beginning point, the following four (4) courses and distances: (1) North 54 degrees 0 minutes East, by land now or formerly of The Pennsylvania Railroad Company in departing from said Northeasterly line now or formerly of Sugar Valley Road three hundred thirty (330) feet to a point in the Southwesterly line of land of other owners, the following two (2) courses and distances being along lines of land of other two (2) owners; (2) South 30 degrees 3 minutes East, one hundred (100) feet to a point; (3) South fifty-four (54) degrees 0 minutes West, three hundred thirty (330) feet to a point in the said Northeasterly line now or formerly of Sugar Valley Road; and (4) North 30 degrees 3 minutes West along the said Northeasterly line now or formerly of Sugar Valley Road, one hundred (100) feet to the place of beginning. Containing 32,826 square feet, more or less.

ALSO ALL THAT CERTAIN piece parcel and lot of land described as follows: BEGINNING at a post on land now or formerly of the Philadelphia and Erie Railroad Company, South of Wayne Station, now McElhattan; thence Southeast along the Mill Gap Road, four and one-half (4½) rods to a post on land now or formerly of Mary and Prucilla Montgomery; thence Northeast four and one-half (4½) rods through said Montgomery lands; thence Northwest through said Montgomery lands to land now or formerly of said Railroad Company, four and one-half (4½) rods; thence Southwest along said Railroad land, four and one-half (4½) rods to the place of beginning.

Containing one-eighth (1/8) of an acre, more or less; together with the right to construct a ditch through said Montgomery lands for the draining of the lot or cellar or cellars which may hereafter be constructed upon it.

10. The Parcel marked as Tax Parcel No. 01-01-0084C, more particularly

described in Clinton County Deed Book Vol. 271, page 910 as follows:

TRACT 1. BEGINNING at a P.K. nail at the intersection of the centerlines of Township Road 425 and Old State Highway Legislative Route 18033; thence along the centerline of said State Highway North 30 degrees 7 minutes 08 seconds West, eighty (80) feet, more or less, to a point in the low water mark on the South bank of the West Branch of the Susquehanna River; thence along said low water mark, the following sixteen (16) bearings and distances: (1) North 42 degrees 59 minutes East, six hundred eighty and 84/100 (680.84) feet to a point; (2) North 45 degrees 44 minutes East, seven hundred ninety-five and 25/100 (795.25) feet to a point; (3) North 53 degrees 44 minutes East, three hundred three and 12/100 (303.12) feet to a point; (4) North 50 degrees 59 minutes East, one thousand four hundred twenty-six and 90/100 (1,426.90) feet to a point; (5) North 72 degrees 25 minutes East, one thousand three hundred fifty-two and 43/100 (1,352.43) feet to a point; (6) North 83 degrees 32 minutes East, six hundred thirty-five (635) feet to a point; (7) North 76 degrees 2 minutes East, three hundred thirty (330) feet to a point; (8) South 89 degrees 58 minutes East, seven hundred (700) feet to a point; (9) South 83 degrees 30 minutes East, three hundred eighty-nine and 61/100 (389.61) feet to a point; (10) South 70 degrees 40 minutes East, six hundred seventy-three and 38/100 (673.38) feet to a point; (11) South 56 degrees 50 minutes East, five hundred thirty (530) feet to a point; (12) South 43 degrees 30 minutes East, five hundred fifty (550) feet to a point; (13) South 28 degrees 30 minutes East, five hundred (500) feet to a point; (14) South 20 degrees 10 minutes East, five hundred ten (510) feet to a point; (15) South 13 degrees 50 minutes East, five hundred ten (510) feet to a point; and (16) South 8 degrees 1 minute East, nine hundred thirty-seven and 67/100 (937.67) feet to a point; thence along land of Wayne Township Supervisors North 89 degrees 3 minutes 33 seconds West, four hundred twenty-four and 62/100 (424.62) feet to an iron pin; thence along the same and along land of James H. Maguire, South 75 degrees 51 minutes 54 seconds West, one hundred eight and 74/100 (108.74) feet to an iron pin; thence along said land of James H. Maguire, South 71 degrees 34 minutes 45 seconds West, two hundred thirty-two and 23/100 (232.23) feet to an iron pin; thence along land of Quiggle Cemetery, the following three (3) bearings and distances, (1) North 5 degrees 32 minutes 5 seconds East, one hundred thirty-five (135) feet to a point; (2) North 82 degrees 21 minutes 56 seconds West, one hundred fifty-two and 21/100 (152.21) feet to a point; and (3) South 5 degrees 32 minutes 5 seconds West, one hundred ninety

(190) feet to an iron pin; thence along said land now or formerly of James H. Maguire, South 78 degrees 7 minutes 3 seconds West, one hundred fifty-one and 21/100 (151.21) feet to an iron pin; thence along land now or formerly of Clinton County Solid Waste Authority, the following four (4) bearings and distances, (1) South 77 degrees 23 minutes 47 seconds West, six hundred sixty (660) feet to an iron pin; (2) North 53 degrees 2 minutes 7 seconds West, four hundred and 27/100 (400.27) feet to an iron pin; (3) North 49 degrees 39 minutes 3 seconds West, three hundred sixty (360) feet to an iron pin; and (4) North 4 degrees 20 minutes 57 seconds East, ninety-one and 96/100 (91.96) feet to an iron pin; thence along the Northerly right-of-way line of Conrail (formerly Penn Central Transportation Company), North 89 degrees 00 minutes 52 seconds West, one thousand one hundred twenty-six and 50/100 (1126.50) feet to an iron pin; thence along said land now or formerly of Clinton County Solid Waste Authority, North 9 degrees 25 minutes 25 seconds East, five hundred forty-two and 77/100 (542.77) feet to an iron pin; thence along the same, and along land now or formerly of Eugene Baker, South 74 degrees 4 minutes 26 seconds West, one thousand eight hundred four and 27/100 (1804.27) feet to an iron rail; thence along said land now or formerly of Eugene Baker South 20 degrees 48 minutes 35 seconds East, one hundred two and 87/100 (102.87) feet to an iron pin; thence along said northerly right-of-way line of Conrail, a curve to the left having a radius of 5763 feet, 2111.08 feet to an iron pin, the chord bearing and distance of said curve being South 69 degrees 52 minutes 15 seconds West, two thousand ninety-nine and 29/100 (2099.29) feet; thence along land of Donald Flick, North 31 degrees 4 minutes 32 seconds West, fifty-five and 27/100 (55.27) feet to an iron pin; thence along the same, South 58 degrees 23 minutes 10 seconds West, two hundred twenty-two and 97/100 (222.97) feet to a P.K. nail; thence along the centerline of State Highway Legislative Route 18033 North 26 degrees 25 minutes 28 seconds West, twenty-eight and 5/10 (28.5) feet to a P.K. nail; thence along land now or formerly of Leroy Calhoun and Sarah Calhoun the following five (5) bearings and distances; (1) North 58 degrees 20 minutes 42 seconds East, two hundred twenty-two and 11/100 (222.11) feet to an iron pin; (2) North 33 degrees 4 minutes 52 seconds West, eleven and 47/100 (11.47) feet to an iron pin; (3) North 62 degrees 28 minutes 59 seconds East, sixteen and 16/100 (16.16) feet to an iron pin; (4) North 26 degrees 54 minutes 4 seconds West, one hundred ninety-eight and 25/100 (198.25) feet to an iron pin; and (5) South 58 degrees 19 minutes 25 seconds West, two hundred thirty-four and 83/100 (234.83) feet to a P.K. nail; thence along the centerline of aforementioned Old State Highway Legislative Route 18033, North 26 degrees 13 minutes 8 seconds West, two hundred thirty-one and 89/100 (231.89) feet to a P.K. nail; thence along land of Arthur D. Ruhl and Lillian F. Ruhl, the following ten (10) bearings and distances: (1) North 61 degrees 18 minutes 4 seconds East, forty-nine and 29/100 (49.29) feet to an iron pin; (2) North 4 degrees 23 minutes 4 seconds West, forty-five and 57/100 (45.57) feet to an iron pin; (3) North 9 degrees 2 minutes 46 seconds West, one hundred forty-five and 73/100 (145.73) feet to an iron pin; (4) North 16 degrees 30 minutes 45 seconds

West, one hundred five and 15/100 (105.15) feet to an iron pin; (5) North 53 degrees 58 minutes 12 seconds East, forty-seven and 20/100 (47.20) feet to an iron pin; (6) North 30 degrees 7 minutes 8 seconds West, one hundred twenty-five (125) feet to an iron pin; (7) South 53 degrees 58 minutes 12 seconds West, thirty and 80/100 (30.80) feet to an iron pin; (8) North 26 degrees 6 minutes 29 seconds West, forty-five and 71/100 (45.71) feet to an iron pin; (9) North 38 degrees 47 minutes 9 seconds West, one hundred thirty-three and 61/100 (133.61) feet to an iron pin; and (10) South 59 degrees 52 minutes 52 seconds West, three and 82/100 (3.82) feet to an iron pin; thence along land of Ruth B. Probst, North 30 degrees 7 minutes 6 seconds West, two hundred thirty-eight 73/100 (238.73) feet to a P.K. nail; thence along the centerline of aforementioned Township Road 425, South 42 degrees 51 minutes 34 seconds West, one hundred thirty-three and 50/100 (133.50) feet to a P.K. nail, the point of beginning. Containing 432.918 acres.

EXCEPTING AND RESERVING all those two (2) certain pieces or parcels of land totaling 15.370 acres in area, that Pennsylvania Power & Light Company by deed dated January 15, 1973, and recorded in the Office of the Recorder of Deeds in and for Clinton County, Pennsylvania, granted unto the Commonwealth of Pennsylvania, Department of Transportation for the construction of State Highway Legislative Route 1044.

ALSO EXCEPTING AND RESERVING the area of the right-of-way of Conrail, formerly Penn Central Transportation Company.

A PART being a portion of the same premises acquired from Realty Company of Pennsylvania by deed dated January 18, 1966 and recorded in the Office for the Recording of Deeds in and for Clinton County, Pennsylvania, on March 25, 1966, in Deed Book 217, page 44, granted and conveyed unto Pennsylvania Power & Light Company. A PART ALSO being the remaining portion of the same premises which Frank W. Peter and Mabel C. Peter, his wife, and Samuel A. Peter and Naomi C. Peter, his wife, by their deed dated May 4, 1966, and recorded in the Office aforesaid on May 4, 1966, in Deed Book 217, page 364, granted and conveyed unto Pennsylvania Power & Light Company. A PART ALSO being the same premises which Woolrich Woolen Mills by deed dated October 25, 1967, and recorded in the Office aforesaid on November 16, 1967 in Deed Book 221, page 713, granted and conveyed unto Pennsylvania Power & Light Company. A PART ALSO being the same premises which Woolrich Woolen Mills by deed dated October 25, 1967 and recorded in the Office aforesaid on November 16, 1967 in Deed Book 221, page 716, granted and conveyed unto Pennsylvania Power & Light Company. A PART ALSO being the same premises which Roy S. Jerles and Mary M. Jerles, his wife, by their deed dated September 28, 1968, and recorded in the Office aforesaid on September 30,

1968 in Deed Book 224, page 514, granted and conveyed unto Pennsylvania Power & Light Company.

EXCEPTING AND RESERVING, NEVERTHELESS, to Pennsylvania Power & Light Company, and its Mortgage Trustee, their successors and assigns, the right to construct, operate and maintain, and from time to time to reconstruct its existing and/or future overhead and underground electric lines consisting of such poles, towers, guys, anchors, conduits, cables, wires, concrete pads, transformers, cable pedestals, terminal compartments, manholes, and other facilities, fixtures, apparatus and equipment deemed by Grantor to be necessary therefore, upon, over, across and under the surface of a strip of land one hundred fifty (150) feet in width, as shown cross-hatched on the attached print E-175570-0, and also a centerline easement for any other existing line or lines located on or overhanging the above described premises, and upon, over, across and under the roads, streets, and highways adjoining the said property, including the right of ingress and egress to and from the said lines at all times for any of the purposes aforesaid; also the right to trim, cut or remove trees and underbrush on said strip of land or adjoining the same which in the judgment of the Grantor, its successors and assigns, may at any time interfere with the construction, reconstruction, maintenance or operation of the said electric lines or menace the same, and in connection therewith, the right to remove, if necessary, the root system of said trees, brush or other undergrowth, and to spray said brush and undergrowth with chemicals for their removal and control.

UNDER AND SUBJECT, NEVERTHELESS, to the conditions that the Grantees, their heirs, successors and assigns, shall not, at any time hereafter, erect or cause to be erected a house or other structure, or store any inflammable or explosive material, upon the aforesaid strip of land, 150 feet in width, as shown cross-hatched on the attached print E-175570-0.

ALSO UNDER AND SUBJECT, NEVERTHELESS, to rights-of-way granted to the Industrial Development Fund of Clinton County, Inc. for the construction, maintenance and operation of a sewer line, by agreements dated April 30, 1964 and October 9, 1975.

ALSO UNDER AND SUBJECT to a fourteen (14) foot right-of-way leading in a Westerly direction from the Township Route No. 425 to the Quiggle Cemetery and crossing the above-described premises, for the purpose of ingress, egress and regress to said cemetery.

TRACT 2. BEGINNING at a P.K. nail in the centerline of State Highway Legislative Route 18033, said P.K. nail being located 207 feet, more or less, in a northwesterly direction from the intersection of the centerline of said State Highway

Legislative Route 18033 and the centerline of Township Road 427; thence along said State Highway Legislative Route 18033, North 26 degrees 45 minutes 46 seconds West, sixty (60) feet to a P.K. nail; thence along land now or formerly of Wesley L. Miller, the following four (4) bearings and distances: (1) North 59 degrees 00 minutes 43 seconds East, passing through an iron pin 20 feet distant, a total distance of 94.25 feet to an iron pin; (2) North 26 degrees 45 minutes 58 seconds West, seventy-four and 15/100 (74.15) feet to an iron pin; (3) North 59 degrees 00 minutes 43 seconds East, two hundred fifty-five and 58/100 (255.58) feet to an iron pin; and (4) North 26 degrees 44 minutes 36 seconds West, one hundred seven (107) feet to an iron pin; thence along the Southerly right-of-way line of Conrail; formerly Penn Central Transportation Company, the following three (3) bearings and distances; (1) by a curve to the right having a radius of 5672 feet, 387.73 feet to an iron pin, the chord bearing and distance of said curve being North 63 degrees 59 minutes 53 seconds East, three hundred eighty-seven and 70/100 (387.70) feet; (2) by a curve to the right having a radius of 1910 feet 297.63 feet to an iron pin, the chord bearing and distance of said curve being North 69 degrees 52 minutes 42 seconds East, two hundred ninety-seven and 33/100 (297.33) feet; and (3) North 77 degrees 46 minutes 31 seconds East, four hundred eighty-four and 77/100 (484.77) feet to an iron pin; thence in and along the centerline of Township Road 427, the following six (6) bearings and distances, (1) South 49 degrees 28 minutes 57 seconds West, one hundred sixty-two and 19/100 (162.19) feet to a P.K. nail; (2) South 41 degrees 1 minute 24 seconds West, eighty and 72/100 (80.72) feet to a P.K. nail; (3) South 60 degrees 29 minutes 24 seconds West, three hundred eighty-seven and 67/100 (387.67) feet to a P.K. nail; (4) South 42 degrees 16 minutes 24 seconds West, one hundred seventy and 20/100 (170.20) feet to a P.K. nail; (5) South 47 degrees 42 minutes 24 seconds West, one hundred sixty-seven and 10/100 (167.10) feet to a P.K. nail; and (6) South 50 degrees 36 minutes 24 seconds West, three hundred fifty-two and 61/100 (352.61) feet to a point; thence along land of Ruth B. Probst, North 30 degrees 58 minutes 3 seconds West, passing through an iron pin, 18.29 feet distant, a total distance of 180.29 feet to an iron pin; thence along the same, South 59 degrees 00 minutes 43 seconds West, passing through an iron pin 185.00 feet distant a total distance of 205.00 feet to a P.K. nail, the point of beginning. Containing 7.491 acres.

11. The Parcel marked as Tax Parcel No. 01-01-0065A, more particularly described in Clinton County Deed Book "O", Page 706 as follows:

BEGINNING at a point on the Sugar Valley Road 33 feet from the center line of the Sunbury and Erie Railroad and on the South side of said Railroad; thence North fifty-four (54) degrees East three hundred thirty-four (334); thence South thirty and five hundredths (30.05) degrees East one hundred thirty-two (132) feet to a stake; thence

South fifty-four (54) degrees West three hundred thirty (330) feet to a stake; thence North thirty (30) degrees and 5 minutes West to the place of beginning. Containing one (1) acre

SECTION 2: If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared of the intent of the Board of Supervisors of Wayne Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3: All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed.

SECTION 4: This Ordinance Amendment shall become effective on the earliest day provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, this 21st day of March, 20 11, in lawful session, duly assembled.

ATTEST:

Doreen S. Macklow
Secretary

TOWNSHIP OF WAYNE,
CLINTON COUNTY, PENNSYLVANIA

By: Doreen S. Macklow
Supervisor

By: Thomas W. Philwood
Supervisor

By: James B. Maguire
Supervisor

ORDINANCE NO. 08-15-2011

AN ORDINANCE AMENDING THE WAYNE TOWNSHIP ZONING ORDINANCE

The Board of Supervisors for the Township of Wayne, Clinton County, Pennsylvania, hereby ordains as follows:

SECTION 1: Section 307 is hereby amended to add the following as a Conditional Use:

- ...
13. Extraction of water, other than for farming/agricultural or commercial use on the premises from which the water is extracted, excluding residential water use (see Section 420).

SECTION 2: Section 308 of the Wayne Township Zoning Ordinance is hereby amended to include the following as a Conditional Use:

- ...
7. Extraction of water, other than for farming/agricultural or commercial use on the premises from which the water is extracted, excluding residential water use (see Section 420).

SECTION 3: Section 1301 is amended to add the following definition:

EXTRACTION OF WATER: Removal, drawing out or obtaining water by any means, including, but not limited to any mechanical action, from any source, exclusive of residential use.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 5: It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses, and phrases of these amendments and

additions are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance, its amendments and additions, is declared unconstitutional, illegal, or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses, or phrases of this Ordinance, its amendments or additions.

SECTION 6: This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, this 15th day of August, 20 11, in lawful session, duly assembled.

ATTEST:

TOWNSHIP OF WAYNE, CLINTON
COUNTY, PENNSYLVANIA

Margaret S. Macklon
Secretary

By: David A. Cash
Supervisor

By: Thomas W. Whitwood
Supervisor

By: _____
Supervisor

ORDINANCE NO. 10.24.2011

AN ORDINANCE AMENDING THE WAYNE TOWNSHIP ZONING ORDINANCE
TO PROVIDE FOR AN AIRPORT DISTRICT OVERLAY

The Board of Supervisors for the Township of Wayne, Clinton County, Pennsylvania,
hereby ordains as follows:

SECTION 1: Article 3 of the Wayne Township Zoning Ordinance, enacted on July
15, 2002, is hereby amended to add the following:

312. AO – Airport District Overlay: same as the underlying district.

SECTION 2: The title to Article 6 of the Wayne Township Zoning Ordinance,
enacted on July 15, 2002, is hereby amended to read as follows:

1. Supplemental Flood Plain Zone and Airport Zone Overlays.

SECTION 3: Article 6 of the Wayne Township Zoning Ordinance, enacted on July
15, 2002, is amended to provide the following subtitle:

A. Supplemental Flood Plain Overlay

SECTION 4: Article 6 of the Wayne Township Zoning Ordinance, enacted on July
15, 2002, is amended to provide the following subtitle, which shall immediately follow Section
610 of Article 6:

B. Airport Overlay

SECTION 5: The following numbered paragraphs are added to subsection B of
Article 6 of the Wayne Township Zoning Ordinance:

611. Declaration of Policy.

1. It is hereby found that an obstruction has the potential for endangering lives and
property of uses of the William T. Piper Memorial Airport and property and occupants

of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the William T. Piper Memorial Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the William T. Piper Memorial Airport and the public investment therein. Accordingly, it is declared that:

- a. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the William T. Piper Memorial Airport;
- b. It is necessary in the interest of public health, safety, morals, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- c. The prevention of this obstruction should be accomplished, to the extent legally possible, by the exercise of police power without compensation

2. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

612. Airport Surface Zones.

In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the William T. Piper Memorial Airport. Such zones are shown on the Wayne Township Hazard Map, which is incorporated into this Chapter and made a part hereof.

For the purpose of this Chapter, the airport surface zones shall be overlays to the existing underlying zoning districts as shown on the Township's Official Zoning Map. As such, the provisions of these zones shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the airport zones and those of any underlying district, the more restrictive provisions shall apply.

Any area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established as follows:

1. Approach Surface Zone.
2. Conical Surface Zone.

3. Horizontal Surface Zone.
4. Primary Surface Zone.
5. Transitional Surface Zone.

613. Permit Applications.

Any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the William T. Piper Memorial Airport, shall first notify the Pennsylvania Department of Transportation's (PennDOT's) Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to commencement of any construction. The BOA response must be included with the Building Permit application otherwise required by the Wayne Township Zoning Ordinance for it to be considered complete. If the BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If BOA returns a determination of a penetration of airspace, the permit shall be denied and the project sponsor may seek a variance from the requirements contained herein and PennDOT's requirements, as outlined in Section 614, below.

No BOA determination is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

614. Variance.

- A. Any person may seek a variance from the requirements contained in this Subsection B of Article 6 of the Wayne Township Zoning Ordinance by making application to the Wayne Township Zoning Hearing Board for a variance. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest.
- B. The application for variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) and BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
 - (1) No Objection – The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
 - (2) Conditional Determination – The proposed construction/alternation is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a

variance shall be granted contingent upon implementation of mitigating measures as described in Section 617 - Obstruction Marking and Lighting.

- (3) Objectionable – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

615. Use Restrictions.

Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the William T. Piper Memorial Airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing said airport.

616. Pre-Existing and Non-Conforming Uses.

Nothing in this Subsection B shall be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to this Subsection B as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated, consistent with all other terms of the Wayne Township Zoning Ordinance, may only be re-established per the terms of the Ordinance.

617. Obstruction Marking and Lighting.

Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in Section 614 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

618. Pennsylvania Department of Transportation BOA Surface Areas for William T. Piper Memorial Airport.

(See drawing "PennDOT BOA", attached hereto, incorporated herein and marked as Exhibit "A")

SECTION 6: Article 13, Section 1301 of the Wayne Township Zoning Ordinance enacted on July 15, 2002, is amended to add the following definitions:

AIRPORT ZONING: The following terms shall be used in the administration of the airport zoning overlay regulations set forth in Article 6 of this Ordinance:

- A. Aircraft: Any contrivance, except an unpowered hang glider or parachute, used for ascent into or flight through the air.
- B. Airport: Any area of land or water which is used, or is intended to be used, for the landing or take-off of aircraft and any appurtenant areas which are used, or are intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all facilities thereon; in this case the William T. Piper Memorial Airport. As used herein, the term "airport" includes public airports, but excludes private airport or heliports.
- C. Airport Elevation: The highest point of William T. Piper's Memorial Airport's usable landing area, measured in feet above mean sea level.
- D. Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 PA Cons. Stat. § 5102.
- E. Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).
- F. Approach Surface Zone: An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown in Section 618 of this Ordinance, is derived from the approach surface.
- G. Conical Surface Zone: An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance

of 4,000 feet. The conical surface zone, as shown in Section 618 of this Ordinance, is derived from the conical surface.

- H. Department: Pennsylvania Department of Transportation.
- I. FAA: Federal Aviation Administration of the United States Department of Transportation.
- J. Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- K. Horizontal Surface Zone: An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown in Section 618 of this Ordinance, is derived from the horizontal surface.
- L. Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- M. Non-Conforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- N. Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- O. Obstruction: Any structure, growth, or other object, including a mobile object which exceeds a limiting height set forth by this Ordinance.
- P. Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- Q. Primary Surface Zone: An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or

ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown in Section 618 of this Ordinance, is derived from the primary surface.

- R. Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.
- S. Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, each formation and overhead transmission lines.
- T. Transitional Surface Zone: An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown in Section 618 of this Ordinance, is derived from the transitional surface.
- U. Tree: Any object of natural growth.
- V. Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- W. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 7: The Wayne Township Zoning map is amended to provide for an overlay district as shown on Exhibit "B", incorporated herein.

SECTION 8: All ordinances or parts of ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 9: It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses, and phrases of these amendments and additions are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance, its amendments and additions, is declared unconstitutional, illegal, or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not

affect any of the remaining parts, sections, paragraphs, sentences, clauses, or phrases of this Ordinance, its amendments or additions.

SECTION 10: This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, this 24th day of October, 20 11, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF WAYNE, CLINTON COUNTY, PENNSYLVANIA

Charles S. Macklem
Secretary

By: David W. Calho
Supervisor

By: James B. Maguire
Supervisor

By: Thomas W. Whitwood
Supervisor

WAYNE TOWNSHIP ORDINANCE NO. 12.15.97

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WAYNE TOWNSHIP, CLINTON COUNTY, PENNSYLVANIA, PROHIBITING CERTAIN NUISANCES INCLUDING ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDING IN A STATE OF DILAPIDATION OR DISREPAIR ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP: PROVIDING FOR THE REMOVAL THEREOF ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania deem it to be in the best interests and general welfare of the citizens and the residents of Wayne Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate enjoyment of their rights of person or property;

and

WHEREAS, Section 702 of the Second Class Township Code, 1933, May 1, P.L. 103, Art. VII, 702 (c) (1) XXI, as amended (53 P.S. 5712), authorizes Townships of the second class to prohibit nuisances, to remove same and to impose penalties therefor.

NOW, THEREFORE, IT IS ENACTED AND ORDAINED, by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, as follows:

Section 1. DEFINITION: For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the

plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

1. "Township" is the Township of Wayne, which is located within Clinton County, Pennsylvania.

2. "Board of Supervisors" is the Board of Supervisors of Wayne Township, Clinton County.

3. "Owner" is a person owning, leasing, renting, occupying or having charge of any premises within the Township.

4. "Person" is any natural person, family, firm, partnership, association, corporation, company, club, co-partnership, society, entity, or any organization of any kind.

5. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal, or ornamental purpose.

6. "Nuisance" is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

7. "Structure unfit for human occupancy" is a structure that is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by law, or because the location of the

structure constitutes a hazard to the occupants of the structure or to the public.

8. "Unsafe equipment" includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants or the premises or structure.

9. "Unsafe Structure" is a structures that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

Section 2. NUISANCES DECLARED ILLEGAL: Nuisances, including, but not limited to the following, are hereby declared to be illegal:

A. Draining or flowing, or allowing to drain or flow, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cess pools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any

kind, into or upon any public highway, road, street, avenue, lane, or alley; or from any property into or upon any adjoining property.

- B. Draining or flowing, or allowing to drain or flow, any water or drainage from within a dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion.
- C. Burning of tires, or tar products.
- D. Maintaining, or causing to be maintained, any unsafe structure, or unsafe part of a structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings.
- E. Maintaining, or causing to be maintained, any unsafe equipment.
- F. Maintaining, or causing to be maintained, any structure unfit for human occupancy.
- G. Permitting any of the following: Recurring generation of sound in a volume that is not consistent with enjoyment on any adjoining lot of the lawful use there existing; vibration discernible at or beyond the property line; emission, in such quantity as would be readily detectable along the lot line without the use of instruments, of odorous gas or other odorous matter not reasonably expected as incidental to the actual, lawful use of the property; direct or reflected glare or heat detectable

at or beyond the property line that is not reasonably expected as incidental to the actual, lawful use of the property; generation of smoke, dust, fly ash, or any other solid or liquid particles in such quantity as to be readily detectable without the use of instruments at or beyond any point on the property line that is not reasonably expected as incidental to the actual, lawful use of the property.

- H. Permitting or allowing any well or cistern to be, or remain, uncovered.
- I. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- J. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

Section 3. WRITTEN NOTICE TO VIOLATORS REQUIRED: Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

1. By making personal delivery of the notice to the owners;

2. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then the an adult person who appears to be in charge of such residence;

3. By fixing a copy of the notice to the door at the entrance of the premises in violation;

4. By mailing a copy of the notice to the last known address of the owner by certified mail;

5. By publishing a copy of the notice in a local newspaper of general circulation in Clinton County, Pennsylvania, once a week for three (3) successive weeks.

Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations, or by fencing or boarding, or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

Section 4. PENALTY FOR VIOLATION: If the owner, after receiving due notice, refuses to comply with the terms thereof:

1. He shall be liable for violation of this Ordinance, and shall, upon conviction thereof, pay a criminal fine of not more than One Thousand (\$1,000.00) Dollars, the Township's reasonable attorneys fees and costs, and all court costs. Each day's continuance of a violation, and each section of the Ordinance found to be violated, shall constitute a separate offense. Actions brought under this subsection shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution.

2. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township Solicitor, the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.

3. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation, or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

Section 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,

distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ADOPTED this 15th day of December, 1997.

ATTEST:

WAYNE TOWNSHIP BOARD
OF SUPERVISORS

Darlene Macklem
Darlene Macklem
Secretary

Kenneth E. Bower
Kenneth Bower, Chair

James Maguire
James Maguire

Rodney R. Stabley
Rodney Stabley

ORDINANCE NO. 62 -1995

AN ORDINANCE REQUIRING ANYONE ENTERING INTO BUSINESS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE TO OBTAIN A BUSINESS LICENSE INDICATING CERTAIN SPECIFIED INFORMATION; PROVIDING EXCEPTIONS FOR LICENSING, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

1. Definitions: Business - A business is any type of commercial or industrial establishment which has a merchantile establishment within Wayne Township which sells goods, at either retail, wholesale, or otherwise, to the general public.
2. All businesses to be opened in Wayne Township, Clinton County, Pennsylvania after the effective date of this Ordinance shall purchase a Wayne Township Business License and shall have that license available at all times within their business establishment. In the event that said business is going to be open at more than one location, then a business license must be obtained for each business location, and the original of such business license for each location shall remain on the premises of each business location.
3. License Fee: A License Fee of ten (\$10.00) dollars shall be an annual fee, and must be renewed each year. The Wayne Township Business License is good for twelve (12) months from the date of purchase.
4. The Business License Application shall be in a form prepared by Wayne Township, and the Applicant shall fill out the form in full indicating all necessary information.
5. Exceptions to Licensing Requirements: Any business involved solely in the sale of farm and agricultural products, raised or grown within Wayne Township, Clinton County, Pennsylvania, shall be exempt from obtaining a Business License as required herein.
6. Penalties: Any person, corporation, partnership, or other entity conducting business as defined in this Ordinance within Wayne Township, and having gone into business after the effective date of this Ordinance, shall be subject to a fine of not less than fifty (\$50.00) dollars, nor more than three hundred (\$300.00) dollars, plus costs of prosecution.

7. Only those businesses currently in operation in Wayne Township, Clinton County, Pennsylvania, under the present ownership, shall have the right to continue in business without obtaining a Wayne Township Business License. If such business shall continue with a change of ownership, the new owners will be required to obtain the Wayne Township Business License; even if the name of the business is not changed, if the owners of said business change, then the new proprietor, be it a person, corporation, partnership, or other entity, shall be required to obtain a Wayne Township Business License.
8. Effective Date: This Ordinance shall be effective at the soon as possible date as provided by Law.

ENACTED AND ORDAINED into an Ordinance by the Board of Supervisors of Wayne Township this 20th day of February, 1995.

WAYNE TOWNSHIP BOARD OF SUPERVISORS

BY: James E. Fluhus
Chairman

Robert P. Stalley
Supervisor

Kenneth E. Bowers
Supervisor

ATTEST:

Marlene S. MacClem
Secretary



ORDINANCE NO. 7.21.03.1

AN ORDINANCE AMENDING ORDINANCE NO. 7.15.2002

The Wayne Township Zoning Ordinance numbered 7.15-2002 is amended as follows:

SECTION 1: Article 3, Section 307 of the Wayne Township Zoning Ordinance No. 7.15.2002 is amended to add the following conditional use:

...10. Rental space for commercial vehicles such as trucks and trailers, except trucks and trailers which haul explosives, bio-hazardous/hazardous waste, or any other hazards or potential hazards to the health and welfare of the community, along with motor homes, boats, campers, and similar type vehicles, whether commercial or otherwise.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 3: It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses, and phrases of these amendments and additions are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance, its amendments and additions, is declared unconstitutional, illegal, or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses, or phrases of this Ordinance, its amendments or additions.

SECTION 4: This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township,
Clinton County, Pennsylvania, this 21ST day of July, 2003, in lawful session,
duly assembled.

ATTEST:

TOWNSHIP OF WAYNE,
CLINTON COUNTY, PENNSYLVANIA

Marlene Macklem
Secretary

By: Kennel E Bower
Supervisor

By: _____
Supervisor

By: David W. Albu
Supervisor

ORDINANCE NO. 7.21.03.2

AN ORDINANCE AMENDING ORDINANCE NO. 7.15.2002 OF
THE WAYNE TOWNSHIP ZONING ORDINANCE

The Board of Supervisors of Wayne Township hereby amends the Wayne Township Zoning Ordinance numbered 7.15.2002 as follows:

SECTION 1: The Official Zoning Map, referenced in Article 2, Section 202 of the Wayne Township Zoning Ordinance, is amended to provide a change in classification from Village Center to Highway Interchange for that parcel owned by Janice Keller, Dale Fritz, Phyllis Fountain and John Fritz and designated as Tax Parcel No. 01-01-0128.

SECTION 2: All Ordinances or parts of Ordinances inconsistent herewith shall be and same are expressly repealed.

SECTION 3. This Ordinance shall become effective on the earliest date provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County Pennsylvania, this 21st day of July, 2003, in lawful session, duly assembled.

ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA

Margaret Macklem
Secretary

By: Kenneth E. Bowe
Supervisor

By: James B. Maguire
Supervisor

By: David W. Cho
Supervisor

ORDINANCE NO. 03.21.2011

AN ORDINANCE AMENDING WAYNE TOWNSHIP'S ZONING ORDINANCE
BY AMENDING A PORTION OF THE ZONING MAP

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, have received a request that certain real estate be re-zoned from Village Center (V-C) to Light Industrial (L-I); and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, has reviewed such request and examined the area/parcels in question; and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, believes it is in the best interests of the Township and its citizens to amend the Township's Zoning Ordinance by amending its Zoning Map.

NOW THEREFORE, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, hereby ordain as follows:

SECTION 1: The Zoning Map of the Township of Wayne is hereby amended to provide that the following parcels shall be changed in classification from Village Center (V-C) to Light Industrial (L-I):

1. The Parcel marked as Tax Parcel No. 01-01-0104, more particularly described in Clinton County Deed Book Volume 295, page 765 as follows:

BEGINNING at a point being the intersection of the East line of the right-of-way of Pennsylvania Route A-7081 and the Northern line of lands now or late of Pennsylvania Power & Light Company; thence along the right-of-way of Pennsylvania Route A-7081 the following eight (8) courses and distances: (1) North 33 degrees 40 minutes West, one hundred thirty-two (132) feet; (2) North 27 degrees 16 minutes

West, one hundred eighty (180) feet; (3) North 62 degrees 44 minutes East, ten (10) feet; (4) North 27 degrees 16 minutes West, two hundred (200) feet; (5) South 62 degrees 44 minutes West, five (5) feet; (6) North 27 degrees 16 minutes West one hundred twenty-eight (128) feet; (7) South 62 degrees 44 minutes West, two and 5/10 (2.5) feet; and (8) North 27 degrees 16 minutes West eleven and 7/10 (11.7) feet; thence along lands now or late of Mervin Eyer, North 59 degrees 14 minutes East, a distance of five hundred eleven and 5/10 (511.5) feet; thence along lands now or late of W. Gunsallus and Byron McKernan, South 40 degrees 53 minutes East, four hundred twenty-four and 9/10 (424.9) feet; thence along lands now or late of Pennsylvania Power & Light Co., South 38 degrees 31 minutes West, six hundred fifty-six and 3/10 (656.3) feet to the place of beginning. Containing seven and 01/100 (7.01) acres, more or less.

2. The Parcel marked as Tax Parcel No. 01-01-0043, more particularly described as Parcel No. 1 in Clinton County Instrument No. 2010-1610 as follows:

BEGINNING at a post corner of land now or formerly of Glenn E. McCloskey; thence South 32 degrees East, a distance of five (5) perches to a post on the public road leading from Wayne Station to Sugar Valley; thence North 56 degrees East, a distance of thirty-one and 6/10 (31.6) perches to the line of land now or formerly of Florence McGuire; thence North 45 degrees West, a distance of five (5) perches to a post on line of land now or formerly of Glenn E. McCloskey; thence along land now or formerly of Glenn E. McCloskey, South 56 degrees West, a distance of thirty-two (32) perches to the place of beginning. Containing one (1) acre neat measure.

3. The Parcel marked as Tax Parcel No. 01-01-0044, more particularly described as Parcel No. 1 in Clinton County Instrument No. 2010-2330 as follows:

BEGINNING at an iron pin on the East line of Highway Route No. A-7081 leading from Highway Route No. 18013 to Highway Route No. 220, said iron pin being the Northwest corner of land now or formerly of Mervin Eyer; thence along the East line of Highway Route No. A-7081, North 26 degrees 30 minutes West, a distance of fifty (50) feet to an iron pipe; thence by land now or formerly of Arthur Workman, North 58 degrees 30 minutes East, a distance of one hundred twenty-four (124) feet to an iron pipe; thence along the East line of a twenty (20) foot alley, North 23 degrees 20 minutes West, a distance of two hundred forty-five (245) feet to an iron pipe on the South line of a Township Road; thence along the South line of said Township Road, North 48 degrees 25 minutes East, a distance of thirty-one and 1/10 (31.1) feet to an

iron pipe; thence by land now or formerly of the Ladies Aid Society of McElhattan Methodist Church, the following three (3) courses and distances: (1) South 41 degrees 35 minutes East, a distance of one hundred (100) feet to an iron pipe; (2) North 48 degrees 25 minutes East, a distance of one hundred (100) feet to an iron pipe; and (3) North 41 degrees 35 minutes West, a distance of one hundred (100) feet to an iron pipe on the South line of the above mentioned Township Road; thence along the South line of said Township Road, North 48 degrees 25 minutes East, a distance of twenty-two and 9/10 (22.9) feet to an iron pipe; thence by other land now or formerly of Mabel L. Macklem, South 38 degrees no minutes East, a distance of three hundred twenty and 5/0 (320.5) feet to an iron pipe; thence by land now or formerly of Mervin Eyer, South 58 degrees 30 minutes West, a distance of three hundred fifty and 4/10 (350.4) feet to an iron pin, the place of beginning. Containing an area of 1.48 acres.

4. The Parcel marked as Tax Parcel No. 01-01-0042-000-T, more particularly described as Parcel No. 3 in Clinton County Instrument No. 2010-2330 as follows:

TRACT NO. 1 - BEGINNING at the Northwest corner of lands now or formerly of Mabel L. Macklem, single, at the public highway; thence Westward, a distance of ninety-four (94) feet to a stake; thence Southward, a distance of three hundred thirteen (313) feet to lands now or formerly of I. M. Eyer; thence Eastward, a distance of ninety-four (94) feet to lands now or formerly of Richard E. Macklem and Darlene S. Macklem, his wife; thence Northward along line of lands now or formerly of Richard E. Macklem and Darlene S. Macklem, his wife, a distance of three hundred thirteen (313) feet to the public highway, the place of beginning.

TRACT NO. 2 - BEGINNING at a point on the South side of the State Highway, which place of beginning is the Northwestern corner of land now or formerly of Glenn E. and Grace M. McCloskey, his wife, and which place of beginning is directly South of an iron pin located on the North side of the said public highway; thence Southward along lands now or formerly of Perry McGuire to line of land now or formerly of G. H. Phillips, et ux., a distance of three hundred thirteen (313) feet, more or less, from the pin on said North side of Highway to said Phillips lands; thence Westward along lands now or formerly of Phillips, a distance of fifty (50) feet to an iron pin; thence Northward on a line parallel with the line of land now or formerly of McGuire to the State Highway, a distance of three hundred thirteen (313) feet, more or less; thence Eastward along the South side of the said State Highway, a distance of fifty (50) feet to the place of beginning.

5. The Parcel marked as Tax Parcel No. 01-01-0045, more particularly described as Parcel No. 4 in Clinton County Instrument No. 2010-2330 as follows:

NORTHWARDLY by land now or formerly of Joseph McGuire and S. A. Thomas; Eastwardly by land now or formerly of Mary F. McCloskey; Southwardly by other land now or formerly of Mary F. McCloskey; and Westwardly by a twenty (20) foot alley. Containing one hundred (100) square feet.

6. The Parcel marked as Tax Parcel No. 01-01-0046, more particularly described as Parcel No. 2 in Clinton County Instrument No. 2010-2330 as follows:

BEGINNING at a post in the center of the public road leading from Sugar Valley; thence by land now or formerly of Ehud Chatham, North 53 degrees East, a distance of twenty-nine and 5/10 (29.5) perches to stones on line of land now or formerly of Perry McGuire; thence by land now or formerly of said McGuire, North 43 degrees West, a distance of twenty-one and 3/4 (21 3/4) perches to a post; thence by land now or formerly of W. S. Montgomery, South 45 degrees West, a distance of twenty-five and 7/10 (25.7) perches to a post in the center of said Sugar Valley Road; thence South 32 degrees East, a distance of seventeen and 4/10 (17.4) perches to the place of beginning.

EXCEPTING AND RESERVING therefrom a parcel of land conveyed to Mary Frances McCloskey by Deed dated May 4, 1922, and recorded in Clinton County Deed Book Volume 105, Page 47; AND ALSO, a parcel of land, fifty (50) feet by one hundred four (104) feet, conveyed by Thomas G. Simcox and wife to Gainesville M. Johnson, by Deed dated February 5, 1910, and recorded in Clinton County Deed Book Volume 80, Page 183; AND ALSO a parcel of land conveyed to the Commonwealth of Pennsylvania, Department of Transportation consisting of eighty-five (85) square feet, by Deed dated August 3, 1982 for Legislative Route 18032 and recorded in Clinton County Deed Book Volume 282, Page 919; AND ALSO, a parcel of land to William H. Simcox, Jr. and Esther E. Simcox, his wife, by Deed dated December 10, 1984, and recorded in Clinton County Deed Book Volume 290, Page 558, including the improvements thereon erected.

7. The Parcel marked as Tax Parcel No. 01-01-0046A, more particularly described in Clinton County Instrument No. 2010-2494 as follows:

BEGINNING at a point, being the intersection of Pennsylvania Route No. A-7081 and Township Route No. 479, said point being the Northwest corner of the parcel

herein; thence along the Southern line of Township Route No. 479, North 52 degrees 38 minutes East, a distance of one hundred thirty-one and $\frac{5}{10}$ (131.5) feet to a point; thence along line of lands now or formerly of Richard and Darlene Macklem, husband and wife, the following two (2) courses and distances: (1) South 23 degrees 20 minutes East, a distance of two hundred five (205) feet to an iron pin; and (2) South 58 degrees 39 minutes West, a distance of one hundred fifteen and $\frac{7}{10}$ (115.7) feet to an iron pin; thence along Pennsylvania Route No. A-7081, North 27 degrees 16 minutes West, a distance of one hundred eighty-nine and $\frac{6}{10}$ (189.6) feet to a point, the place of beginning.

8. The Parcel marked as Tax Parcel No. 01-01-0063, more particularly described in Clinton County Instrument No. 2003-1364 as follows:

PARCEL A. BEGINNING at a post, the Northwest corner of land now or formerly of Margaret E. McGuire where it adjoins land now or formerly of Bessie Thomas and Samuel A. Thomas; thence Eastwardly and in continuation of the same bearing as the line of land now or formerly of said Margaret E. McGuire, and along other land now or formerly of said Bessie Thomas and Samuel A. Thomas, sixty-five (65) feet to a post; thence at a right angle Southwardly and along other land now or formerly of said Bessie Thomas and Samuel A. Thomas one hundred sixty-two (162) feet to a locust post at the private road facing the premises now or formerly of Thomas G. Simcox; thence Westwardly along said private road sixty-five (65) feet to a post, the Southwest corner of land now or formerly of said Margaret E. McGuire; thence Northwardly along the line of land now or formerly of said Margaret E. McGuire, one hundred sixty-two (162) feet to a post, the place of beginning. Containing ten thousand five hundred thirty (10,530) square feet, neat measure.

PARCEL B. BEGINNING at the Southwest corner of lot of land now or formerly of said Margaret E. McGuire; thence Southwardly along said public road, eighty (80) feet more or less, and until it strikes the Northerly side of a private road leading from said public road to the residence now or formerly of J.P. McGuire and the late Anthony E. Piat, deceased; thence along said private road of the bearing as same was laid out in the year 1844, one hundred twenty (120) feet to a post; thence Northwardly and parallel to said public road fifty (50) feet, more or less, and until it reaches the Southeast corner of lot now or formerly of said Margaret E. McGuire, containing one-sixth ($\frac{1}{6}$) of an acre, more or less.

PARCEL C. BEGINNING at a post one hundred thirty-four and one-half ($134\frac{1}{2}$) feet from the South corner of lands now or formerly of the Philadelphia and Erie Railroad Company; thence Southeastwardly along the East side of said road one

hundred twenty (120) feet to a post on lands now or formerly of Priscilla Montgomery; thence by lands of same in a Northeasterly direction one hundred twenty (120) feet to a post; thence by lands of same in a Northwesterly direction one hundred twenty (120) feet to a post; thence in a Southwesterly direction one hundred twenty (120) feet to a post on the East side of public road, the place of beginning. Containing two (2) lots sixty (60) feet by one hundred twenty (120) feet each.

9. The Parcels marked as Tax Parcel No. 01-01-0064 and 01-01-0065, more particularly described in Clinton County Instrument No. 2007-0048 as follows:

BEGINNING at a point in the Northeasterly line now or formerly of the Sugar Valley Road, at the distance of thirty-two (32) feet measured South 30 degrees 3 minutes East along the said Northeasterly line now or formerly of the Sugar Valley Road, from a point which is distant thirty-three (33) feet measured Southeastwardly and radially from a point in the line established as the center line of railroad of the Pennsylvania Railroad Company, known as the Main Line, Williamsport Division; the prolongation Northwestwardly of said Northeasterly line now or formerly of Sugar Valley Road intersecting said center line of railroad at a point which is at the distance of ninety-four (94) feet, more or less, measured Northeastwardly along said center line of railroad, from another point therein, opposite the center of said Railroad Company's McElhattan Passenger Station; extending from the beginning point, the following four (4) courses and distances: (1) North 54 degrees 0 minutes East, by land now or formerly of The Pennsylvania Railroad Company in departing from said Northeasterly line now or formerly of Sugar Valley Road three hundred thirty (330) feet to a point in the Southwesterly line of land of other owners, the following two (2) courses and distances being along lines of land of other two (2) owners; (2) South 30 degrees 3 minutes East, one hundred (100) feet to a point; (3) South fifty-four (54) degrees 0 minutes West, three hundred thirty (330) feet to a point in the said Northeasterly line now or formerly of Sugar Valley Road; and (4) North 30 degrees 3 minutes West along the said Northeasterly line now or formerly of Sugar Valley Road, one hundred (100) feet to the place of beginning. Containing 32,826 square feet, more or less.

ALSO ALL THAT CERTAIN piece parcel and lot of land described as follows: BEGINNING at a post on land now or formerly of the Philadelphia and Erie Railroad Company, South of Wayne Station, now McElhattan; thence Southeast along the Mill Gap Road, four and one-half (4½) rods to a post on land now or formerly of Mary and Prucilla Montgomery; thence Northeast four and one-half (4½) rods through said Montgomery lands; thence Northwest through said Montgomery lands to land now or formerly of said Railroad Company, four and one-half (4½) rods; thence Southwest along said Railroad land, four and one-half (4½) rods to the place of beginning.

Containing one-eighth (1/8) of an acre, more or less; together with the right to construct a ditch through said Montgomery lands for the draining of the lot or cellar or cellars which may hereafter be constructed upon it.

10. The Parcel marked as Tax Parcel No. 01-01-0084C, more particularly described in Clinton County Deed Book Vol. 271, page 910 as follows:

TRACT 1. BEGINNING at a P.K. nail at the intersection of the centerlines of Township Road 425 and Old State Highway Legislative Route 18033; thence along the centerline of said State Highway North 30 degrees 7 minutes 08 seconds West, eighty (80) feet, more or less, to a point in the low water mark on the South bank of the West Branch of the Susquehanna River; thence along said low water mark, the following sixteen (16) bearings and distances: (1) North 42 degrees 59 minutes East, six hundred eighty and 84/100 (680.84) feet to a point; (2) North 45 degrees 44 minutes East, seven hundred ninety-five and 25/100 (795.25) feet to a point; (3) North 53 degrees 44 minutes East, three hundred three and 12/100 (303.12) feet to a point; (4) North 50 degrees 59 minutes East, one thousand four hundred twenty-six and 90/100 (1,426.90) feet to a point; (5) North 72 degrees 25 minutes East, one thousand three hundred fifty-two and 43/100 (1,352.43) feet to a point; (6) North 83 degrees 32 minutes East, six hundred thirty-five (635) feet to a point; (7) North 76 degrees 2 minutes East, three hundred thirty (330) feet to a point; (8) South 89 degrees 58 minutes East, seven hundred (700) feet to a point; (9) South 83 degrees 30 minutes East, three hundred eighty-nine and 61/100 (389.61) feet to a point; (10) South 70 degrees 40 minutes East, six hundred seventy-three and 38/100 (673.38) feet to a point; (11) South 56 degrees 50 minutes East, five hundred thirty (530) feet to a point; (12) South 43 degrees 30 minutes East, five hundred fifty (550) feet to a point; (13) South 28 degrees 30 minutes East, five hundred (500) feet to a point; (14) South 20 degrees 10 minutes East, five hundred ten (510) feet to a point; (15) South 13 degrees 50 minutes East, five hundred ten (510) feet to a point; and (16) South 8 degrees 1 minute East, nine hundred thirty-seven and 67/100 (937.67) feet to a point; thence along land of Wayne Township Supervisors North 89 degrees 3 minutes 33 seconds West, four hundred twenty-four and 62/100 (424.62) feet to an iron pin; thence along the same and along land of James H. Maguire, South 75 degrees 51 minutes 54 seconds West, one hundred eight and 74/100 (108.74) feet to an iron pin; thence along said land of James H. Maguire, South 71 degrees 34 minutes 45 seconds West, two hundred thirty-two and 23/100 (232.23) feet to an iron pin; thence along land of Quiggle Cemetery, the following three (3) bearings and distances, (1) North 5 degrees 32 minutes 5 seconds East, one hundred thirty-five (135) feet to a point; (2) North 82 degrees 21 minutes 56 seconds West, one hundred fifty-two and 21/100 (152.21) feet to a point; and (3) South 5 degrees 32 minutes 5 seconds West, one hundred ninety

(190) feet to an iron pin; thence along said land now or formerly of James H. Maguire, South 78 degrees 7 minutes 3 seconds West, one hundred fifty-one and 21/100 (151.21) feet to an iron pin; thence along land now or formerly of Clinton County Solid Waste Authority, the following four (4) bearings and distances, (1) South 77 degrees 23 minutes 47 seconds West, six hundred sixty (660) feet to an iron pin; (2) North 53 degrees 2 minutes 7 seconds West, four hundred and 27/100 (400.27) feet to an iron pin; (3) North 49 degrees 39 minutes 3 seconds West, three hundred sixty (360) feet to an iron pin; and (4) North 4 degrees 20 minutes 57 seconds East, ninety-one and 96/100 (91.96) feet to an iron pin; thence along the Northerly right-of-way line of Conrail (formerly Penn Central Transportation Company), North 89 degrees 00 minutes 52 seconds West, one thousand one hundred twenty-six and 50/100 (1126.50) feet to an iron pin; thence along said land now or formerly of Clinton County Solid Waste Authority, North 9 degrees 25 minutes 25 seconds East, five hundred forty-two and 77/100 (542.77) feet to an iron pin; thence along the same, and along land now or formerly of Eugene Baker, South 74 degrees 4 minutes 26 seconds West, one thousand eight hundred four and 27/100 (1804.27) feet to an iron rail; thence along said land now or formerly of Eugene Baker South 20 degrees 48 minutes 35 seconds East, one hundred two and 87/100 (102.87) feet to an iron pin; thence along said northerly right-of-way line of Conrail, a curve to the left having a radius of 5763 feet, 2111.08 feet to an iron pin, the chord bearing and distance of said curve being South 69 degrees 52 minutes 15 seconds West, two thousand ninety-nine and 29/100 (2099.29) feet; thence along land of Donald Flick, North 31 degrees 4 minutes 32 seconds West, fifty-five and 27/100 (55.27) feet to an iron pin; thence along the same, South 58 degrees 23 minutes 10 seconds West, two hundred twenty-two and 97/100 (222.97) feet to a P.K. nail; thence along the centerline of State Highway Legislative Route 18033 North 26 degrees 25 minutes 28 seconds West, twenty-eight and 5/10 (28.5) feet to a P.K. nail; thence along land now or formerly of Leroy Calhoun and Sarah Calhoun the following five (5) bearings and distances; (1) North 58 degrees 20 minutes 42 seconds East, two hundred twenty-two and 11/100 (222.11) feet to an iron pin; (2) North 33 degrees 4 minutes 52 seconds West, eleven and 47/100 (11.47) feet to an iron pin; (3) North 62 degrees 28 minutes 59 seconds East, sixteen and 16/100 (16.16) feet to an iron pin; (4) North 26 degrees 54 minutes 4 seconds West, one hundred ninety-eight and 25/100 (198.25) feet to an iron pin; and (5) South 58 degrees 19 minutes 25 seconds West, two hundred thirty-four and 83/100 (234.83) feet to a P.K. nail; thence along the centerline of aforementioned Old State Highway Legislative Route 18033, North 26 degrees 13 minutes 8 seconds West, two hundred thirty-one and 89/100 (231.89) feet to a P.K. nail; thence along land of Arthur D. Ruhl and Lillian F. Ruhl, the following ten (10) bearings and distances: (1) North 61 degrees 18 minutes 4 seconds East, forty-nine and 29/100 (49.29) feet to an iron pin; (2) North 4 degrees 23 minutes 4 seconds West, forty-five and 57/100 (45.57) feet to an iron pin; (3) North 9 degrees 2 minutes 46 seconds West, one hundred forty-five and 73/100 (145.73) feet to an iron pin; (4) North 16 degrees 30 minutes 45 seconds

West, one hundred five and 15/100 (105.15) feet to an iron pin; (5) North 53 degrees 58 minutes 12 seconds East, forty-seven and 20/100 (47.20) feet to an iron pin; (6) North 30 degrees 7 minutes 8 seconds West, one hundred twenty-five (125) feet to an iron pin; (7) South 53 degrees 58 minutes 12 seconds West, thirty and 80/100 (30.80) feet to an iron pin; (8) North 26 degrees 6 minutes 29 seconds West, forty-five and 71/100 (45.71) feet to an iron pin; (9) North 38 degrees 47 minutes 9 seconds West, one hundred thirty-three and 61/100 (133.61) feet to an iron pin; and (10) South 59 degrees 52 minutes 52 seconds West, three and 82/100 (3.82) feet to an iron pin; thence along land of Ruth B. Probst, North 30 degrees 7 minutes 6 seconds West, two hundred thirty-eight 73/100 (238.73) feet to a P.K. nail; thence along the centerline of aforementioned Township Road 425, South 42 degrees 51 minutes 34 seconds West, one hundred thirty-three and 50/100 (133.50) feet to a P.K. nail, the point of beginning. Containing 432.918 acres.

EXCEPTING AND RESERVING all those two (2) certain pieces or parcels of land totaling 15.370 acres in area, that Pennsylvania Power & Light Company by deed dated January 15, 1973, and recorded in the Office of the Recorder of Deeds in and for Clinton County, Pennsylvania, granted unto the Commonwealth of Pennsylvania, Department of Transportation for the construction of State Highway Legislative Route 1044.

ALSO EXCEPTING AND RESERVING the area of the right-of-way of Conrail, formerly Penn Central Transportation Company.

A PART being a portion of the same premises acquired from Realty Company of Pennsylvania by deed dated January 18, 1966 and recorded in the Office for the Recording of Deeds in and for Clinton County, Pennsylvania, on March 25, 1966, in Deed Book 217, page 44, granted and conveyed unto Pennsylvania Power & Light Company. A PART ALSO being the remaining portion of the same premises which Frank W. Peter and Mabel C. Peter, his wife, and Samuel A. Peter and Naomi C. Peter, his wife, by their deed dated May 4, 1966, and recorded in the Office aforesaid on May 4, 1966, in Deed Book 217, page 364, granted and conveyed unto Pennsylvania Power & Light Company. A PART ALSO being the same premises which Woolrich Woolen Mills by deed dated October 25, 1967, and recorded in the Office aforesaid on November 16, 1967 in Deed Book 221, page 713, granted and conveyed unto Pennsylvania Power & Light Company. A PART ALSO being the same premises which Woolrich Woolen Mills by deed dated October 25, 1967 and recorded in the Office aforesaid on November 16, 1967 in Deed Book 221, page 716, granted and conveyed unto Pennsylvania Power & Light Company. A PART ALSO being the same premises which Roy S. Jerles and Mary M. Jerles, his wife, by their deed dated September 28, 1968, and recorded in the Office aforesaid on September 30,

1968 in Deed Book 224, page 514, granted and conveyed unto Pennsylvania Power & Light Company.

EXCEPTING AND RESERVING, NEVERTHELESS, to Pennsylvania Power & Light Company, and its Mortgage Trustee, their successors and assigns, the right to construct, operate and maintain, and from time to time to reconstruct its existing and/or future overhead and underground electric lines consisting of such poles, towers, guys, anchors, conduits, cables, wires, concrete pads, transformers, cable pedestals, terminal compartments, manholes, and other facilities, fixtures, apparatus and equipment deemed by Grantor to be necessary therefore, upon, over, across and under the surface of a strip of land one hundred fifty (150) feet in width, as shown cross-hatched on the attached print E-175570-0, and also a centerline easement for any other existing line or lines located on or overhanging the above described premises, and upon, over, across and under the roads, streets, and highways adjoining the said property, including the right of ingress and egress to and from the said lines at all times for any of the purposes aforesaid; also the right to trim, cut or remove trees and underbrush on said strip of land or adjoining the same which in the judgment of the Grantor, its successors and assigns, may at any time interfere with the construction, reconstruction, maintenance or operation of the said electric lines or menace the same, and in connection therewith, the right to remove, if necessary, the root system of said trees, brush or other undergrowth, and to spray said brush and undergrowth with chemicals for their removal and control.

UNDER AND SUBJECT, NEVERTHELESS, to the conditions that the Grantees, their heirs, successors and assigns, shall not, at any time hereafter, erect or cause to be erected a house or other structure, or store any inflammable or explosive material, upon the aforesaid strip of land, 150 feet in width, as shown cross-hatched on the attached print E-175570-0.

ALSO UNDER AND SUBJECT, NEVERTHELESS, to rights-of-way granted to the Industrial Development Fund of Clinton County, Inc. for the construction, maintenance and operation of a sewer line, by agreements dated April 30, 1964 and October 9, 1975.

ALSO UNDER AND SUBJECT to a fourteen (14) foot right-of-way leading in a Westerly direction from the Township Route No. 425 to the Quiggle Cemetery and crossing the above-described premises, for the purpose of ingress, egress and regress to said cemetery.

TRACT 2. BEGINNING at a P.K. nail in the centerline of State Highway Legislative Route 18033, said P.K. nail being located 207 feet, more or less, in a northwesterly direction from the intersection of the centerline of said State Highway

Legislative Route 18033 and the centerline of Township Road 427; thence along said State Highway Legislative Route 18033, North 26 degrees 45 minutes 46 seconds West, sixty (60) feet to a P.K. nail; thence along land now or formerly of Wesley L. Miller, the following four (4) bearings and distances: (1) North 59 degrees 00 minutes 43 seconds East, passing through an iron pin 20 feet distant, a total distance of 94.25 feet to an iron pin; (2) North 26 degrees 45 minutes 58 seconds West, seventy-four and 15/100 (74.15) feet to an iron pin; (3) North 59 degrees 00 minutes 43 seconds East, two hundred fifty-five and 58/100 (255.58) feet to an iron pin; and (4) North 26 degrees 44 minutes 36 seconds West, one hundred seven (107) feet to an iron pin; thence along the Southerly right-of-way line of Conrail; formerly Penn Central Transportation Company, the following three (3) bearings and distances; (1) by a curve to the right having a radius of 5672 feet, 387.73 feet to an iron pin, the chord bearing and distance of said curve being North 63 degrees 59 minutes 53 seconds East, three hundred eighty-seven and 70/100 (387.70) feet; (2) by a curve to the right having a radius of 1910 feet 297.63 feet to an iron pin, the chord bearing and distance of said curve being North 69 degrees 52 minutes 42 seconds East, two hundred ninety-seven and 33/100 (297.33) feet; and (3) North 77 degrees 46 minutes 31 seconds East, four hundred eighty-four and 77/100 (484.77) feet to an iron pin; thence in and along the centerline of Township Road 427, the following six (6) bearings and distances, (1) South 49 degrees 28 minutes 57 seconds West, one hundred sixty-two and 19/100 (162.19) feet to a P.K. nail; (2) South 41 degrees 1 minute 24 seconds West, eighty and 72/100 (80.72) feet to a P.K. nail; (3) South 60 degrees 29 minutes 24 seconds West, three hundred eighty-seven and 67/100 (387.67) feet to a P.K. nail; (4) South 42 degrees 16 minutes 24 seconds West, one hundred seventy and 20/100 (170.20) feet to a P.K. nail; (5) South 47 degrees 42 minutes 24 seconds West, one hundred sixty-seven and 10/100 (167.10) feet to a P.K. nail; and (6) South 50 degrees 36 minutes 24 seconds West, three hundred fifty-two and 61/100 (352.61) feet to a point; thence along land of Ruth B. Probst, North 30 degrees 58 minutes 3 seconds West, passing through an iron pin, 18.29 feet distant, a total distance of 180.29 feet to an iron pin; thence along the same, South 59 degrees 00 minutes 43 seconds West, passing through an iron pin 185.00 feet distant a total distance of 205.00 feet to a P.K. nail, the point of beginning. Containing 7.491 acres.

11. The Parcel marked as Tax Parcel No. 01-01-0065A, more particularly described in Clinton County Deed Book "O", Page 706 as follows:

BEGINNING at a point on the Sugar Valley Road 33 feet from the center line of the Sunbury and Erie Railroad and on the South side of said Railroad; thence North fifty-four (54) degrees East three hundred thirty-four (334); thence South thirty and five hundredths (30.05) degrees East one hundred thirty-two (132) feet to a stake; thence

South fifty-four (54) degrees West three hundred thirty (330) feet to a stake; thence North thirty (30) degrees and 5 minutes West to the place of beginning. Containing one (1) acre

SECTION 2: If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared of the intent of the Board of Supervisors of Wayne Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3: All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed.

SECTION 4: This Ordinance Amendment shall become effective on the earliest day provided by Township Law.

ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township Clinton County, Pennsylvania, this 21st day of March, 20 11, in lawful session, duly assembled.

ATTEST:

Doreen S. Macklon
Secretary

TOWNSHIP OF WAYNE,
CLINTON COUNTY, PENNSYLVANIA

By: David A. Cho
Supervisor

By: Thomas W. Whitwood
Supervisor

By: James B. Maguire
Supervisor

ORDINANCE NO. 10.29.2015

AN ORDINANCE AMENDING WAYNE TOWNSHIP'S ZONING ORDINANCE BY
AMENDING A PORTION OF THE ZONING MAP

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, has received a request that certain real estate be rezoned from Village Center (VC) to Highway Interchange (HI); and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, has reviewed such request; and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, believes it is in the best interests of the Township and its citizens to amend the Township's Zoning Ordinance by amending its Zoning Map.

NOW THEREFORE, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, hereby ordains as follows:

SECTION 1: The Zoning Map of the Township of Wayne is hereby amended to provide that the following parcel shall be changed in classification from Village Center (VC) to Highway Interchange (HI):

The parcel marked as Tax Parcel No. 1-01-128-C on the maps of the Clinton County Tax Assessor, with an address of 574 McElhattan Drive, more particularly described in Clinton County Instrument No. 2014-03695, as follows:

ALL THAT CERTAIN piece or parcel of land situate in Wayne Township, Clinton County, Pennsylvania, bounded and described in accordance with a survey of H. Richard Ohl, Registered Surveyor, dated December 17, 1974, as follows:

BEGINNING at an iron pin on the Western line of Pennsylvania State Highway Route No. 18032 at the Northeast corner of land now or formerly of Robert W. Stabley, said iron pin being four hundred eighty and 6/10 (480.6) feet along Pennsylvania State Highway Route No.

18032 from the Northwest intersection of Pennsylvania State Highway Route No. 18032 and Pennsylvania State Highway Route No. 18013; thence along the Northern line of land now or formerly of Robert W. Stabley, South 70 degrees 10 minutes West, a distance of two hundred ten (210) feet to an iron pin on other land now or formerly of Charles G. Fritz and Bertha A. Fritz, his wife; thence along other land now or formerly of Charles G. Fritz and Bertha A. Fritz, North 27 degrees 12 minutes West, a distance of one hundred five (105) feet to an iron pin; thence continuing along same, North 70 degrees 10 minutes East, a distance of two hundred ten (210) feet to an iron pin on the Western line of Pennsylvania State Highway Route No. 18032; thence along said State Route, South 27 degrees 12 minutes East, a distance of one hundred five (105) feet to an iron pin, the place of beginning. Containing 0.50 of an acre.

The improvements erected thereon consist of a bi-level frame dwelling house.

EXCEPTING AND RESERVING out of and from the premises described herein, a parcel conveyed for highway purposes to the Commonwealth of Pennsylvania, Department of Transportation, by Deed dated July 29, 1982, and recorded in Clinton County Deed Book 282, page 910.

BEING Parcel No. 1 on that Deed from First Quality Products, Inc., to Vasas, Inc., dated September 24, 2014, and recorded in Clinton County, Pennsylvania, at Instrument No. 2014-03695.

FOR IDENTIFICATION PURPOSES ONLY, the above described premises is known and designated as Tax Parcel No. 01-01-0128-C on the maps of the Clinton County Tax Assessor and being known as 574 McElhattan Drive, McElhattan, Pennsylvania.

SECTION 2: If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of Wayne, Clinton County, Pennsylvania that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed.

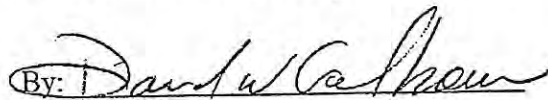
SECTION 4. This Ordinance amendment shall become effective on the earliest date provided by Township Law.

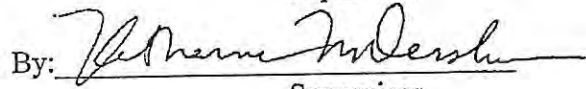
ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Clinton County Pennsylvania, this 29 day of ~~September~~^{October}, 2015, in lawful session, duly assembled.

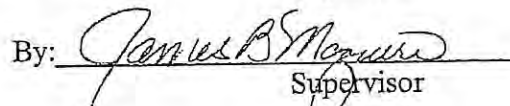
ATTEST:

TOWNSHIP OF WAYNE
CLINTON COUNTY, PENNSYLVANIA


Secretary

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor

ORDINANCE NO. 01-23-2019

**AN ORDINANCE AMENDING WAYNE TOWNSHIP'S ZONING ORDINANCE BY
AMENDING A PORTION OF THE ZONING MAP**

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, having received a request that certain real estate be re-zoned from Residential Low Density (R-1) to Highway Interchange (HI); and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, has reviewed such request and has examined the area/parcels in question; and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, has held a Public Hearing concerning the proposed change to the Zoning Map; and

WHEREAS, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, believes it is in the best interests of the Township and its citizens to amend the Township's Zoning Ordinance by amending its Zoning Map.

NOW THEREFORE, the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, hereby ordains as follows:

SECTION 1: The Zoning Map of the Township of Wayne is hereby amended to provide for a change in classification from Residential Low Density (R-1) to Highway Interchange (HI) as to Tax Parcel No. 02-01-0039-003 owned by William H. and Marilyn L. Bitner, more particularly described in Clinton County Deed Book 283, Page 1106; Tax Parcel No. 02-01-0039-007 owned by the Robert A. Maguire Living Trust, more particularly described in Clinton County Instrument No. 2018-03147; Tax Parcel No. 02-01-0039-002 owned by James R. and Kelly J. Wark, Jr., more particularly described in Clinton County Instrument No. 2006-00597; and the northeastern portion of Tax Parcel No. 02-01-0039, not otherwise zoned Open Space/Recreation (O/R) by Wayne Township Ordinance No. 06-19-2017, owned by Big Woods Land Company, more particularly described in Clinton County Record Book 729, Page 192 and Record Book 802, Page 17 and said parcels and portions or parcel(s) to be rezoned are shown on the attached map, incorporated herein by reference.

SECTION 2: If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, said unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared the intent of the Board of Supervisors of Wayne Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION 3: All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed.


SECTION 4: This Ordinance Amendment shall become effective on the earliest date provided by Township Law.


ORDAINED AND ENACTED by the Board of Supervisors of Wayne Township, Clinton County, Pennsylvania, this 23rd day of January, 2019, in lawful session, duly assembled.

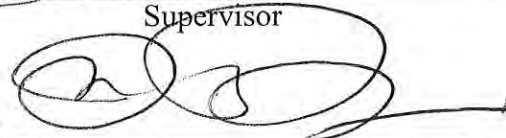
ATTEST:

TOWNSHIP OF WAYNE


Secretary

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor