



**West Norriton Township
Work Session Agenda
June 2, 2020
7:00 PM**

- 1. Call To Order And Pledge Of Allegiance**
- 2. Discussion/Update On Status**
 - A. Update On COVID-19 And Township Operations**
- 3. Manager's Items**
 - A. Consider Awarding The Bid For Regents Park Paving Project**
 - B. Consider Authorizing Staff To Advertise Ordinance No. 2020-739 Re: Updating Townhouse Regulations**

Documents:

[ORDINANCE - UPDATING TOWNHOUSE REGULATIONS.DOC](#)

- C. Consider Authorizing Staff To Advertise Ordinance No. 2020-740 Re: False Alarms**

Documents:

[ORDINANCE -FIRE AND ALARM.PDF](#)

- D. Consider Authorizing Staff To Advertise Ordinance No. 2020-741 Re: Amending Zoning Map - Riverview Blvd.**

Documents:

[ORDINANCE - AMENDING ZONING MAP- RIVERVIEW BLVD.PDF](#)

- E. Consider Authorizing Staff To Advertise Ordinance No. 2020-742 Re: Amending BP District To Permit Townhouses**

Documents:

[ORDINANCE - AMENDING BP DISTRICT TO PERMIT TOWNHOUSES.PDF](#)

- F. Consider Adopting Resolution #20-1658 Amending Prior LD Waiver Resolution Re: Releasing Outside Unlimited, LLC And Assigning Obligations To Benchmark Site Holdings, LLC**

Documents:

G. Consider Adopting Resolution Authorizing Execution Of DUI Grant For 2021

Documents:

[RESOLUTION - DUI GRANT 2021.DOC](#)

H. Consider Authorizing Execution Of Stipulations For Tax Assessment Appeals

i Bogard; and

ii. Fishburn

I. Consider Authorizing Staff To Advertise Bid For Padden Park Pavilion And Restroom/Storage Project

4. Public Comment

- a. Recognize individuals that are taxpayers or residents of West Norriton Township wishing to offer comment.
- b. Require the name and address of such persons wishing to comment.
- c. Permit each individual at minimum one (1) opportunity to speak. The President may require an individual who has already spoken to wait until all others wishing to speak have had the opportunity before permitting an additional opportunity to speak. Once all others have had the opportunity to speak, the President shall determine whether time would allow for additional comment from the individual wishing to speak. Such a determination shall be based solely on the factor of time and shall not be based on the content or viewpoint of the particular individual(s) seeking additional opportunity to speak.
- d. Provide for a five (5) minute maximum for each individual to offer public comment. There shall be no ceding or assigning of time. In no case shall a time limit of fewer than two (2) minutes be designated. It may be requested that a spokesperson from a group address the Board of Commissioners.
- e. Preserve order by prohibiting disruptive conduct including, but not limited to, speaking by any person who is not, at that time, taking part in public comment.

5. Meeting Dates

- A. Zoning Hearing Board - June 18th @ 7:00 PM Re: Side Yard Setback For Non-Conforming Lot At 48 Potts Ave**

6. Adjournment

**TOWNSHIP OF WEST NORRITON
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2020-739**

AN ORDINANCE TO UPDATE AND ADD TOWNHOUSE REGULATIONS BY AMENDING CHAPTER 27 [ZONING] PART 3 [R-A RURAL – RESIDENCE DISTRICT] SECTION 301; PART 6 [R-3 RESIDENCE DISTRICTS] SECTIONS 602 [USE REGULATIONS], 603 [AREA REGULATIONS] AND ADDING A NEW SECTION 608 [TOWNHOUSE REGULATIONS]; AND PART 14 [GENERAL REGULATIONS] SECTION 1402 [DECKS AND PATIOS]; PROVIDING A SEVERABILITY CLAUSE; A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of West Norriton Township (“Township”) desires to amend the Township Zoning Ordinance (“Zoning Ordinance”) to amend Sections 27-602 and 603 and add a new Section 27-608 of the R-3 Residence Districts to update the townhouse requirements to correspond with the B-P Business and Professional Districts requirements; and

WHEREAS, the Board of Commissioners also desires to amend Sections 27-301 to permit multiplex buildings, including townhouses, in the R-A District as a conditional use; and

WHEREAS, the Board of Commissioners further desires to amend Section 27-1402 regarding decks and patios to remove the reference to multiplex buildings since the new Section 27-608 standards include specific townhouse deck and patio requirements; and

WHEREAS, the Montgomery County Planning Commission and Township Planning Commission, pursuant to the applicable provisions of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, have reviewed this proposed amendment and issued a recommendation to the Board of Commissioners regarding the same.

NOW, THEREFORE, the Board of Commissioners hereby ordains the Zoning Ordinance be amended as follows:

Section 1. The Zoning Ordinance of the West Norriton Township, Chapter 27 [Zoning], Part 3 [R-A Rural- Residence District], Section 301 [Use Regulations], is hereby amended as indicated below:

10. Multiplex buildings, including townhouse(s) (as defined in Section 27-601) by conditional use pursuant to Section 27-1708 (Conditional Use Procedures) provided
 - A. No townhouses are constructed in the Floodway (as defined in Section 27-2207).
 - B. Townhouses are exempt from 27-302 (Area Regulations) and 27-303 (Height Regulations) and will follow the standards and regulations listed in 27-603 through 27-608.

Section 2. The Zoning Ordinance of the West Norriton Township, Chapter 27 [Zoning], Part 6 [R-3 Residence Districts], Section 602 [Use Regulations], is hereby amended as indicated below:

4. Delete the words “Multiplex buildings” and replace with the following “Multiplex buildings, including townhouse(s) (as defined in Section 27-601) by conditional use pursuant to Section 27-1708 (Conditional Use Procedures) and provided no townhouses are constructed in the Floodway (as defined in Section 27-2207).

Section 3. The Zoning Ordinance of the West Norriton Township, Chapter 27 [Zoning], Part 6 [R-3 Residence Districts], Section 603 [Area Regulations], is hereby amended as indicated below:

3. Delete the words “2 feet on each end of building” and replace with “20 feet on each end of building.”

5. Delete the sentences “Townhouse buildings, when located in parallel, shall have a distance between parallel faces of twice the height of the taller building. The building shall be considered parallel if the long dimensions form an angle of less than 45° when extended to intercept.”

6. Delete the number “216” and replace with “150.”

Section 4. The Zoning Ordinance of the West Norriton Township, Chapter 27 [Zoning], Part 6 [R-3 Residence Districts], is amended to add a new Section 608 [Townhouse Regulations] as indicated below:

§26-608 Townhouse Regulations.

1. In addition to the standards contained in this Part, Townhouses and townhouse developments shall comply with the following regulations:

A. Maximum Impervious Coverage: 65%

B. Maximum Building Coverage: 50%

C. Minimum Off-Street Parking:

(1) 2 spaces/DU + 0.5 spaces for guests/visitors

(2) Parking will be distributed throughout development

D. Minimum Building Separations:

- (1) Front to front: 35'
- (2) Side to front: 30'
- (3) Side to Side 20'
- (4) Rear to rear: 35'
- (5) Side to rear: 30'

E. Minimum private (non-public) roadway widths:

- (1) Two way: 26' (with no on-street parking)
34' (one side on-street parking)
- (2) One way: 16' (with no on-street parking)
24' (one side on-street parking)
- (3) Alleys: 16' (with no on-street parking)

F. Maximum height:

- (1) 55' not to exceed 4 stories (not to exceed 65% of units)
- (2) 45' not to exceed 4 stories (not to exceed 35% of units)

G. Maximum # of townhouses attached in a building:

8 units, but in no more than 10% of total townhouse buildings

H. Maximum % of front garage townhouses:

35%

I. Maximum % of same type of Townhouses:

45%

J. Minimum open space and active recreation areas:

- (1) At least 25% of the gross tract area must be open space area
- (2) At least 50% of open space area must be active recreation area
- (3) In lieu of providing either or both of the minimum percentage of open space or active recreation area, a fee in the amount of \$750/unit

K. Townhouse units may be of the following types:

- (1) front access with 2-car garage
- (2) front access with 1-car garage
- (3) alley access with 2-car garage
- (4) alley access with 2-car tandem garage
- (5) alley access with 1-car garage
- (6) non-garage

L. Front porches are permitted but shall not exceed 4' in depth, must have a roof or covering but cannot be fully enclosed.

- M. Patios and decks are permitted but shall not exceed 12' in depth but must be located in the rear or alley side and cannot be enclosed.
 - N. If retaining walls are proposed, then segmental block walls or other similar design shall be used that are consistent with earth tone colors.
2. All townhouse development roads/alleys, stormwater facilities, sidewalks, landscaping and open space shall be privately maintained in perpetuity by a single entity or association.
 3. As part of the conditional use application, townhouses and townhouse developments shall provide the following information for review and approval:
 - A. Conceptual architectural renderings.
 - B. Conceptual landscaping plans.
 - C. A list of building materials.
 - D. The truck turning template.
 - E. The following standards must be met for any townhouse development:
 - (1) Units with garage doors occupying greater than 50% of the unit/building façade, then the unit/building façade shall be designed to articulate or undulate;
 - (2) Unit/building's front façade must contain a minimum of 25% stone or brick material;
 - (3) Units within townhouse buildings must be provided with some offset; and
 - (4) If required by a Township Public Safety Agency, all buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems at the exterior of the building.
 - (5) Front access townhomes must have sidewalks on street side of property.

Section 5. The Zoning Ordinance of the West Norriton Township, Chapter 27 [Zoning], Part 14 [General Regulations], Section 27-1420 [Decks and Patios] is amended as indicated below:

Deleting the words “twin duplex dwelling and multiplex dwelling” and replacing with the words “and twin duplex dwelling”.

Section 6. Nothing in this Ordinance or in the Zoning Ordinance, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired, or liability incurred, any permit validly issued, or any cause or causes of action existing under said Zoning Ordinance prior the adoption of this amendment.

Section 7. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of Court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 8. This Ordinance shall take effect and be in force from and after its enactment or adoption as required by law and shall be considered as having been filed in the Township's official book of Ordinances as of the date of the Board of Commissioners' enactment.

Section 9. This Ordinance repeals any prior ordinance or portion thereof to the extent that such prior ordinance or portion thereof is inconsistent with this Ordinance.

ORDAINED and ENACTED by the Board of Commissioners of West Norriton Township this _____ day of _____, 2020.

ATTEST:

**BOARD OF COMMISSIONERS
OF WEST NORRITON TOWNSHIP**

Jason Bobst, Manager

Martin Miller, Chair

**WEST NORRITON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-740

AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF WEST NORRITON TOWNSHIP, CHAPTER 7, PART 1, BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, BY ADDING CHAPTER 7, PART 3, TO AUTHORIZE A COMMERCIAL PROPERTY FIRE INSPECTION PROGRAM, AND BY REPLACING CHAPTER 13, PART 2 ENTITLED "ALARM SYSTEMS" ENTIRELY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the First Class Township Code Sections 1502 and 1516, vests the Board of Commissioners of West Norriton Township with the authority to make regulations relative to the cause and management of fires and the prevention thereof;

WHEREAS, West Norriton Township Code of Ordinances, Chapter 7 and 13 prescribes current regulations regarding fire prevention and alarm responses;

WHEREAS, the Board of Commissioners desires to protect the safety, health, and welfare of the residents of West Norriton by preserving the livability and desirability of its neighborhoods;

WHEREAS, the International Fire Code was revised in 2015 and the Township's current ordinance does not reference the updated code;

WHEREAS, after review of its General Laws, particularly its existing fire code, the Township has determined that its fire code located in Chapter 7 should be amended to adopt the 2015 International Fire Code to provide for the safety and security of its residents;

WHEREAS, the Fire Marshal has made a recommendation to update the fire alarm response ordinance and to start a commercial property fire inspection program;

WHEREAS, the commercial property inspection program would inspect all commercial properties within the Township for fire-safety code compliance and would be similar to the use and occupancy certificate inspection the Township currently completes for new businesses; and

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the West Norriton Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I: Chapter 7, entitled “Fire Prevention and Fire Protection” of the Code of Ordinances of West Norriton Township, Sections 7-101 and 7-102 are hereby rescinded entirely and replaced with the following:

§ 7-101 Adoption of International Fire Code.

The 2015 edition of the International Fire Code, as published by the International Code Council, or such later edition as the Board of Commissioners may adopt and approve from time to time by resolution, is hereby adopted and incorporated herein by reference as the Fire Code of this Township.

§ 7-102 Amendments of the Fire Code.

The following sections are hereby revised:

- A. Section 101.1. Insert: Township of West Norriton.
- B. Section 109.4 Insert: Summary Offense, \$1,000 and 30 days.
- C. Section 111.4 Insert: \$300 and \$1,000.
- D. Section 308.1.4 of the 2015 International Fire Code is amended to remove Exceptions 1, 2 and 3.
- E. Section 1103.5.2 is amended to remove the last sentence and replace it with “The automatic sprinkler system shall be installed by October 1, 2019.”
- F. Section 507.5.3 is deleted entirely and replaced with the following:

Section 507.5.3. Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested, and maintained in accordance with NFPA 25 at the following intervals:

- 1. Private fire hydrants (all types): inspection annually and after each operation; flow test and maintenance annually. A copy of the written inspection report shall be forwarded to the West Norriton Township Fire Marshal’s office.
- 2. Fire service main piping: inspection of exposed, annually; flow test every 5 years.
- 3. Fire service main piping strainers: inspection and maintenance after each use.
- 4. All privately owned and maintained fire hydrants shall have the body and caps painted yellow with a green top.

§ 7-102.1 Establishment of geographic limits.

The geographic limits referred to in certain sections of the 2015 International Fire Code are hereby established as follows:

- A. Section 5704.2.9.6.1: The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the Township of West Norriton.
- B. Section 5706.2.4.4: The storage of Class I and II liquids in above-ground tanks is prohibited within the Township of West Norriton.
- C. Section 5806.2: The storage of flammable cryogenic fluids in stationary containers is prohibited within the Township of West Norriton.
- D. Section 6104.2: The storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas within the Township of West Norriton.

SECTION II: Chapter 7, entitled “Fire Prevention and Fire Protection” of the Code of Ordinances of West Norriton Township, is amended to add Part 3 entitled “Inspections” as indicated by the following:

Part 3 Inspections.

§7-301. Inspection guidelines.

- A. The Township of West Norriton Manager is authorized to start an annual inspection program of each Commercial/Business Property in the Township in order to safeguard the health and safety of the occupants, thereof and in order to determine and enforce compliance with the codes, laws, and regulations applicable to such units and the structures containing such units. The inspector is authorized to enter for the purpose of such inspection all Commercial/Businesses properties, and it is the duty of Commercial Business property owners to provide access to such properties upon request for said inspection. The construction date of the building will be taken into consideration when determining safety standards.
- B. Commercial/Business property is defined as any commercial or business property that meets the definitions as outlined in the International Building Code as an Assembly, Business, Educational, Factory and Industrial, High Hazard, Institutional, Mercantile, Residential, Storage or Utility and Miscellaneous type.
- C. Residential properties meeting the description in paragraph B above, will only have its common areas inspected. Common areas of residential properties include, but are not limited to hallways, stairways, and meeting rooms. The inspection will not include individual apartments, dormitories, or living quarters unless requested by the property owner.

§ 7-302. Notification; notice of violation; reinspection.

- A. The Township of West Norriton shall notify the property or business owner of its intent

to inspect the property or business at least five days prior to the inspection. Such notification shall be in the form of written communication or by phone.

- B. After the inspection, the Inspector shall submit any violations in writing to the property or business owner or agent. The owner or agent must correct any violations within a time frame set by the Inspector. Re-inspections shall be conducted every 30 days until the violations have been corrected. If the violation is deemed as a life-safety hazard, then the Fire Official or Inspector may notify the property or business owner or agent that the violation must be corrected immediately, or the property will be closed until the violation is corrected.

§ 7-303. Fees.

<u>Unit Square Feet</u>	<u>Fee</u>
0 - 1,000	\$50
1,001 – 3,500	\$75
3,501 – 12,000	\$100
12,001 -36,000	\$125
36,001 – 50,000	\$150
50,001 – 100,000	\$175
Re-inspection (over 1)	Time incurred

The fees above may be modified by resolution of the Board of Commissioners.

SECTION III: Chapter 13, entitled “Licenses, Permits and General Business Regulations” Part 2 entitled “Alarm Systems” of the Code of Ordinances of West Norriton Township, is hereby rescinded entirely and replaced with the following:

Part 2 Alarm Systems

Article I. Alarm Systems

§ 13-201 Definitions.

As used in this article, the following words, terms, and phrases shall have the following meanings, unless it is apparent from the context that a different meaning is intended:

ALARM COORDINATOR

The person or persons designated by the Police Department to administer the provisions of this chapter. The alarm coordinator establishes, implements, and oversees all procedures relating to alarms.

ALARM AGENT

Any person who is self-employed in or employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing,

repairing, altering, replacing, moving, or installing on or in any building, structure or facility any alarm system.

Exemption: This definition does not include a person who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

ALARM BUSINESS

Any business operated by any individual, including a person self-employed, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility or employing alarm agent(s).

Exemption: This definition does not include a person who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

ALARM USER AWARENESS CLASS

A class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

APPLICANT

Any person, firm, or corporation who or which files an application for an alarm registration as provided in this article.

AUTOMATIC PROTECTION DEVICE (ALARM SYSTEM)

Any mechanical or electrically operated instrument composed of sensory apparatus and related hardware which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure or facility, or both, and which emits a sound or transmits a signal or message when activated. Automatic protection devices include, but are not limited to, audible alarms, automatic dialing devices, alarms connected directly to communication centers and proprietor alarms. Automatic protection devices may be identified as "APDs." Exemption: The following devices shall not be included under the definition of APDs:

- A. Devices which are not designed or used to register alarms that are audible, visible, or perceptible outside of the protected building, structure, or facility, such as those systems designed for the detection of equipment malfunctions.
- B. Devices which are designed for the notification of a condition of fire and are provided for the evacuation of occupants of industries, institutions and other similar premises or devices designed to signal the flow of water in an automatic fire sprinkler system.
- C. Devices which are designed for and installed upon motorized vehicles or trailers.

D. Devices maintained and operated by the West Norriton Township Police Department and used for the detection of unlawful acts.

COMMUNICATION CENTER

Montgomery County Emergency Communications Division and/or other rooms which house auxiliary communication equipment.

FALSE ALARM

An activation of an automatic protection device (APD) signal, necessitating a response by the West Norriton Township Police Department, where an emergency situation does not exist. The term does not include alarms caused by acts of nature or utility service interruptions.

NOTICE

A written notice, given by personal service upon the addressee, or given by United States mail, postage prepaid, addressed to the person to be notified at his last known address, return receipt requested. Service of such notice shall be effective upon the completion of personal service or upon delivery by the United States Postal Service.

PERSON

Any person, firm, partnership, association, corporation, company, or organization of any kind.

POLICE CHIEF

The Chief of Police of the West Norriton Township Police Department, or his designated representative.

POLICE or POLICE DEPARTMENT

The West Norriton Township Police Department.

PROPRIETARY ALARM

Any alarm system which sounds within the protected premises or control center under the supervision of the proprietor of the protected building, structure, or facility. If police response is expected or is a result of that proprietary alarm signal or message, it thereby becomes an APD, as defined in the definition of "automatic protection device" in this section.

REGISTRATION NUMBER

A unique individual number assigned to an alarm user as part of the alarm registration.

RESPONSE ASSESSMENT FEE

A fee charged for each and every false alarm activation to which the Police Department responds.

Exemption: No fee shall be charged if:

- A. The alarm is received indicating line trouble; or
- B. Caused by acts of nature.

SUBSCRIBER (ALARM USER)

A person who has an APD installed on realty in which the subscriber has an interest or who is applying for the installation of an APD.

§ 13-202. Registration requirements; unlawful activities.

- A. Business registration required. It is unlawful for any person to engage in, conduct or carry on an alarm business at any time within the limits of the Township of West Norriton without first applying for and receiving an alarm business registration in accordance with the provisions of this article.
- B. Agent identification required. It is unlawful for any person to engage in or conduct business or operate as an alarm agent at any time within the limits of the Township of West Norriton, unless connected with and carrying identification from a business that has been issued a business registration in accordance with the provisions of this article. Agent identification must be carried at all times while engaged in alarm business activities and must be displayed to any police officer upon request.
- C. Alarm user registration required. It is unlawful for any person to use an automatic protection device (alarm system) at any time within the limits of the Township of West Norriton without first applying for and receiving an alarm user registration in accordance with the provisions of this article.
- D. Suspension or revocation. It is unlawful for any person to possess and use an automatic protection device (alarm system) requiring a registration under this article or engage in, conduct or operate in a manner requiring registration under this article at any time within the limits of the Township of West Norriton when their privilege to do so has been suspended or revoked in accordance with the provisions of this article.
- E. Testing prohibited without permission. It is unlawful for any person to conduct any test or demonstration of any automatic protection device designed to make direct connection to the police communications center at any time within the limits of West Norriton Township without first obtaining permission from the Police Department. Such permission is not required where the equipment to be tested or demonstrated is connected to an intermediary and the receipt of the alarm or signal is not relayed to the Police Department by any means.
- F. Automatic dialing device prohibited. It is unlawful for any person to install, program, use or interconnect an automatic dialing device programmed to automatically transmit a request for emergency response directly to the West Norriton Township Police Department's communications center via any telephone trunk line.
- G. A battery powered (9 volt, 11.2 volt, or similar voltage) audible alarm system whose sole purpose is to notify the occupants of that location of an emergency situation shall be exempt from the permit requirements of this chapter, if all of the following conditions exist:

- (1) The alarm is not connected to any mechanical or electrical device that automatically notifies a person or agency outside that location that the alarm system is activated.
- (2) The audible alarm does not sound outside the location (no external speakers).
- (3) The internal signal emitted by the audible alarm does not exceed 90 decibels.
- (4) The internal alarm does not cause undue annoyance or alarm to occupants of adjoining premises.

§ 13-203. Alarm registration required.

- A. An alarm user shall not operate, or cause to be operated, any alarm system without a valid alarm registration. A separate registration is required for each alarm site having a distinct address of business name. A registration fee including a completed alarm registration application shall be received and approved by the alarm coordinator prior to any alarm system activation. A thirty-day grace period shall be granted from the date of all new alarm installations or takeovers between two alarm users, to accommodate the registration application process. Residential alarm users who are age 65 or older and are the primary resident of the property and if no business is conducted in the residence may obtain an alarm registration from the police department according to this chapter without payment of a fee.
- B. An application for an alarm registration will be in a format as determined by the Police Department. The information required on such forms shall be determined by the alarm coordinator. Registration applicants acknowledge that the police response may be influenced by factors, including, but not limited to, the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, prior alarm history, administrative actions, and staffing levels.
- C. Owners of local alarm systems are required to adhere to all sections of this chapter and are subject to all fees, fines, suspensions, penalties, or other requirements that are applicable.
- D. All fees shall be collected by the alarm coordinator.
- E. Existing alarm systems. Any alarm system that has been installed before the effective date of this chapter, that is not currently registered with the Township, shall be registered and a registration fee collected by the alarm coordinator.
- F. New alarm systems.
 - (1) An alarm installation company shall not install an APD unless or until the system has been registered.
 - (2) In the case of a self-installed alarm system, it is the responsibility of the property owner to register the alarm with the Township.

(3) Failure of an alarm user to submit the registration fee within 30 days after an alarm has been installed shall result in the alarm system being classified as nonregistered and late charges being assessed.

G. The issuance of an alarm registration does not create a contract between the police department and/or West Norriton Township and any alarm user, alarm installation company, or monitoring company, nor does it create a duty or obligation, either expressed or implied, on the police department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the police department to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the police department response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history, and administrative actions.

§ 13-204. Alarm registration, renewal, and false alarm fees.

A. An alarm registration for commercial and residential sites shall expire one year from the date of issuance and must be renewed annually by the alarm user. The alarm coordinator shall notify the alarm user of the need to renew their registration 30 days prior to the expiration of the registration. It is the responsibility of the alarm user to submit the updated information and renewal fees prior to the registration expiration date. Failure to renew shall be classified as use of a nonregistered alarm system and subject the alarm site to a suspension and late charge.

B. Registration fees shall be collected based on the registration period. The fee for registration permits, previously known as “alarm system permits”, shall be \$50.00. The annual license fee shall also be \$50.00. The amount of the registration and renewal fees required may be established by resolution of the Board of Commissioners.

C. Alarm users who fail to make payment for an alarm registration prior to the registration's expiration date will be assessed a late charge as established by resolution of the Board of Commissioners.

D. No refund of a registration or renewal fee will be made.

E. Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm coordinator shall issue a registration number or registration renewal to the applicant unless:

(1) The applicant has failed to pay any fee or fine assessed under this chapter; or

(2) An alarm registration for the alarm site has been suspended, and the condition for the suspension has not been corrected; or

(3) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue an alarm registration.

F. Exemptions from fees.

(1) Government entities, including but not necessarily limited to the Township, County, Commonwealth of Pennsylvania, Federal, and School Districts, must obtain alarm permits for alarm systems on property under their control within the boundaries of the Township, but are exempt from payment of all fees under this ordinance.

(2) Residential alarm users who are over 65 or older and are the primary resident of the residence and if no business is conducted in the residence may obtain an alarm registration without payment of a fee. They are not exempted from the alarm response fee.

G. The alarm coordinator may assess the alarm user a fine for a false alarm occurring at the alarm user's alarm site. The amount of the fine shall be established by the Board of Commissioners. Notice of the right to appeal under this chapter will be included with notice of any fine.

H. All alarm fees are due within 30 days of written notice unless otherwise noted. A late charge in an amount established by resolution of the Board of Commissioners shall be imposed for each fee or fine that is not paid within 30 days.

I. The alarm coordinator may waive the false alarm fine for the first chargeable false alarm during each of a residential alarm user's one-year registration period, pending the successful completion of the online alarm user awareness class available through the alarm coordinator. In order to have the fine waived, the alarm user shall have successfully completed the class within 30 days of the fine notice. Alarm users without online access may request the online school and test be mailed to them. Commercial alarm users are not eligible for the alarm user awareness class.

J. Alarm users who have obtained a valid alarm registration prior to a false alarm activation are granted a thirty-day grace period from the initial date of registration for familiarization and/or adjustment of a mechanical malfunction of the alarm system, during which time the false alarm activation will not be conducted, nor a fine assessed. This only applies to new alarm system installations or new alarm user takeover conversions.

§ 13-205. Alarm registration suspension and reinstatement.

A. Any registration may be suspended by the Chief of Police for any of the following reasons:

(1) The violation of any of the provisions of this article.

(2) The failure to comply with rules and regulations adopted pursuant to this article.

- (3) There is a false statement of a material fact in the registration application.
 - (4) The alarm user has had four or more false alarms within the one-year registration period, except that the alarm coordinator may waive a suspension of a registration upon receipt of documentation showing reasonable attempts to address the issue resulting in the false alarms.
 - (5) The alarm user fails or refuses to pay an alarm registration or renewal fee, false alarm fine, late charge, or any other fee, fine or charge assessed under this article.
 - (6) Where any alarm business official is convicted of a crime which reflects unfavorably upon his/her fitness to be in the alarm business.
- B. It is a violation of this section for a person to operate an alarm system during the period in which the alarm registration is suspended.
- C. In addition to the false alarm response fee, a supplemental fine shall be imposed on a person operating a suspended alarm system. The fee for a false alarm is \$100.00 each for the first, second and third false alarms in a calendar year and \$200.00 for each additional false alarm per calendar year. The amount of the false alarm response fee and the supplemental fine may be established by resolution of the Board of Commissioners.
- D. An alarm user whose registration has been suspended may obtain reinstatement of the registration by the alarm coordinator if the user:
- (1) Pays a reinstatement fee as established by the Board of Commissioners;
 - (2) Pays, or otherwise resolves, all outstanding fees, fines, and other charges;
 - (3) Submits a written notice from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company; and
 - (4) The alarm user successfully completes an alarm user awareness class and test.

§ 13-206. Transfer of registration prohibited.

- A. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm coordinator and their alarm company of any change to the information listed on the alarm registration application within the business days after such change.
- B. Exceptions may be made in the discretion of the alarm coordinator when the transfer proposed is among members of the family of the original registration holder or successors in interest to the property for which the alarm registration has been issued.

§ 13-207. Duties of alarm users.

A. An alarm user shall:

- (1) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms.
- (2) Make every reasonable effort to arrive at the alarms system's location within 30 minutes after being requested by the monitoring company or police in order to:
 - (a) Deactivate an alarm system;
 - (b) Provide access to the alarm site; and/or
 - (c) Provide alternative security for the alarm site.
- (3) Provide the monitoring company with the updated names and phone numbers of at least two persons who are able and have agreed to:
 - (a) Receive notification of an alarm system activation at any time;
 - (b) Respond to the alarm site at any time; and
 - (c) Provide access to the alarm site and deactivate the alarm system if necessary.
- (4) Not activate the alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.
- (5) Notify their monitoring company of any suspension of police response (as provided for under this chapter) and request the monitoring company not make a burglar alarm dispatch.

B. No person shall operate or cause to be operated any automatic voice dialer which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the police department or the Township and then transmit any prerecorded signal.

C. An alarm user shall keep a set of written operating instructions for each alarm system at each alarm site.

§ 13-208. Audible alarms.

A. No alarm system shall emit a sound resembling an emergency vehicle siren or civil defense warning. The Chief of Police shall make the final determination regarding any question of an audible alarm within this section.

B. After the effective date of this ordinance, no one shall install, modify, or repair an alarm system in West Norriton Township that has a siren, bell, or other signal that is audible from any property adjacent to the alarm site that sounds for longer than 15 consecutive minutes after the alarm is activated, or that repeats the fifteen-minute audible cycle more than two consecutive times during a single armed period.

- C. In the event that an audible alarm is activated and fails to reset itself or continues to activate for more than 60 minutes and the responsible person listed on the alarm registration or other responsible person cannot or will not respond and silence the alarm, and the continued activation of the alarm is creating a disturbance, the police department may cause the alarm to be silenced in a manner determined appropriate for the circumstances. The alarm user shall be held responsible for the actual costs involved to abate the malfunctioning alarm up to a maximum of \$300. The Township, its employees or agents shall not be responsible or liable to damage resulting from such disconnection.

§ 13-209. Appeal procedure.

- A. If the alarm coordinator assesses a fee or fine, suspends an alarm registration or denies the issuance, renewal or reinstatement of a registration, the alarm coordinator shall send notice of the action and a statement of the right to appeal to the affected alarm user.
- B. The alarm user may appeal any action in Subsection A above to the Police Chief or his designee by setting forth in writing the reasons for the appeal and delivering the appeal to the Police Chief or his designee within 20 days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.
- C. The procedure for an appeal to the Police Chief or his designee is as follows:
 - (1) The alarm user shall file a written request for appeal by paying an appeal fee and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Coordinator's Action." The appeal fee shall be in an amount established by the Board of Commissioners and will be returned to the appealing party if the appeal is successful.
 - (2) The Police Chief or his designee shall conduct a hearing on the appeal within 30 days after the receipt of the request for appeal and appeal fee and shall consider the evidence submitted by the appealing party and the alarm coordinator. The Police Chief or his designee must base the decision on the preponderance of the evidence presented at the hearing and must render a decision within 15 days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the alarm coordinator.
 - (3) The filing of an appeal stays any action by the alarm coordinator to suspend an alarm registration or require the payment of a fee or fine until the appeal process has been exhausted. This provision applies only to the action of the alarm coordinator that is the subject of the appeal. This provision does not operate as a bar to enforcement actions on violations of this section that occur thereafter.
 - (4) The alarm coordinator or the Police Chief may adjust the count of false alarms or assessed fees based on the occurrence of multiple alarms within a twenty-four-hour period, which may be considered as one false alarm if the alarm user has taken corrective action, unless the false alarms are directly caused by the alarm user.

- (5) The alarm coordinator of the Police Chief may waive all or part of a false alarm fine due to extenuating circumstances or to encourage corrective action.

§ 13-210. Confidentiality.

The information furnished and secured pursuant to this article shall be confidential in character and shall not be subject to public inspections and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this article.

Article II. Fire Alarms

§ 13-211. Title.

This article shall be known as the "Fire Alarm Ordinance of West Norriton Township."

§ 13-212. Scope.

This article shall regulate all matters concerning the design, installation, repair, testing, monitoring, maintenance and operation of all fire alarm systems and related devices; fixing fees and regulations pertaining to the licensing of fire alarm contractors; and prescribing penalties for violations hereof.

§ 13-213. Purpose.

The high incidence of false fire alarms and/or alarm malfunctions causes a significant misuse of the manpower and resources of the Jefferson Fire Company No. 1 (JFC) by causing the dispatch of units to the scene of a false alarm or alarm malfunction which renders them out of service and unavailable to respond to legitimate emergency situations. This article shall be construed to secure its expressed intent which is to insure public safety, health, and welfare by controlling the design of, testing of, repair of, installation of, and maintenance requirements of fire alarm systems installed and operating within West Norriton Township; thereby, reducing the service demands on the JFC and improving the safety to the public.

§ 13-214. Applicability.

The provisions of this article shall apply to all matters affecting or relating to fire alarm systems and fire alarm contractors and shall apply equally to new and existing buildings and conditions. This includes all required and nonrequired fire alarm systems.

§ 13-215. Matters not provided for.

The West Norriton Township Board of Commissioners hereby provides for determination of matters not provided for herein by authorizing certain actions by the Director of Code Compliance.

- A. Administrative orders may be issued by the Director of Code Compliance to clarify ordinance questions and to establish departmental policy where no specific criteria exists, or where administrative guidance is needed to establish a methodology to resolve recurring problems.
- B. Standard design bulletins will be issued where Code criteria leave a specific aspect of the design installation to the judgment of the Director of Code Compliance or the authority

having jurisdiction. They will set specific design criteria where necessary.

§ 13-216. Continuation of unlawful use or practice.

The continuation of use of a fire alarm system or the designing, installation, testing, repair and maintenance of fire alarm systems by any person(s), firm, or corporation contrary to the provisions of this article shall be deemed a violation and subject to the fees and penalties prescribed in this article. Each day that an unlawful use or practice continues shall be deemed to be a separate offense.

§ 13-217. Conflicting provisions.

When the provisions herein are more restrictive than other regulations, this article shall control, but in any case, the most rigid requirements of any other applicable code or regulation shall apply whenever a conflict exists.

§ 13-218. Standards incorporated by reference.

The standards referenced in this article and those listed in the appendixes of any building or fire codes as adopted or amended by West Norriton Township shall be considered to be part of the requirements of this article. Where differences occur between provisions of this article and other standards, the provisions of this article shall apply.

§ 13-219. Certification of systems.

All newly installed required fire alarm systems shall be certificated by UL or FM as required in the National Fire Alarm Code, also known as "National Fire Protection Association (NFPA) 72," referenced herein.

§ 13-220. Definitions; word usage.

- A. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings in this section.
- B. Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- C. Terms defined in other codes. Where terms are not defined in this article and are defined in the building, fire, mechanical and electrical codes or bound to other applicable codes, such terms shall have the meanings ascribed to them as in those codes as adopted by West Norriton Township. Definitions found in NFPA standards for fire protection and electrical installations shall apply in this article, when not otherwise specifically defined.
- D. Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- E. Specific definitions. As used in this article, the following terms shall have the meanings indicated:

AGENT

Any person who shall have charge, care, or control of any building as representative of the owner, including an executor, executrix, coordinator, administratrix, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall comply with the provisions of this code to the same extent as if that person were the owner.

ALARM

Any audible or visible signal indicating existence of a fire or emergency that requires response on the part of the JFC. Included in this are the alarm devices by which fire and emergency signals are received.

FALSE ALARM (UNWANTED ALARM)

An alarm malfunction or malicious fire alarm as defined herein.

ALARM MALFUNCTION

The activation of any alarm which results in the response of the JFC caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance or any other response for which the JFC personnel are unable to gain access to the premises for any reason, or are unable to determine the apparent cause of the alarm activation.

MALICIOUS FIRE ALARM

The activation of any alarm which results in the response of the JFC caused by the negligence or intentional misuse of the system by the owner or his employees, servants or agents; or any other activation not caused by heat, smoke or fire, exclusive of an alarm malfunction. An alarm is not considered a malicious fire alarm if the alarm is activated due to causes beyond the control of the owner.

ALARM NOTIFICATION APPLIANCE

A fire alarm system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, or visible outputs or any combination thereof.

ALARM VERIFICATION FEATURE

A feature of automatic fire detection and alarm systems to reduce unwanted alarms wherein smoke detectors report alarm conditions for a minimum period of time, or confirm alarm conditions within a given time period, after being automatically reset, in order to be accepted as a valid alarm initiation signal.

APPROVED

Approved by the Director of Code Compliance or his subordinates or designees (code officials).

AUTOMATIC

A device or system providing an emergency function without the necessity for human intervention and activated as a result of a predetermined temperature rise, rate of temperature rise, or combustion particles.

CARBON MONOXIDE DETECTOR

An approved, listed device which is intended to detect invisible particles of carbon monoxide. This device is not classified as a fire alarm initiating device. If carbon monoxide detectors are supervised by a central station, then such alarm shall transmit as a distinct carbon monoxide alarm.

CENTRAL STATION

A supervising station that is listed, such as Underwriters Laboratories (UL) or Factory Mutual (FM) for central station service and is approved by the Director of Code Compliance.

CENTRAL STATION SERVICE

A system or group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in, and supervised from a listed central station (such as UL or FM) having competent and experienced operators who, upon receipt of a signal, take such action as required by NFPA 72 currently in effect or as subsequently amended. Related activities at the protected property such as equipment installation, inspection, maintenance, and runner service are also the responsibility of the central station or a fire alarm contractor. Central station service is controlled and operated by a person, firm, or corporation whose business is the furnishing of such contracted services or whose properties are the protected premises.

CERTIFICATED SYSTEM

A fire alarm system certified by UL or FM. A system installed under such a program is identified by the issuance of a certificate by UL or FM and is designated as a certificated system.

CODE OFFICIALS

The subordinates or designees of the Director of Code Compliance.

DIRECTOR OF CODE COMPLIANCE

The West Norriton Township official charged with the duty of administration and enforcement of codes as adopted by West Norriton Township.

FIRE ALARM AFFIDAVIT

A form for completion by a fire officer when responding to an alarm. Where an alarm malfunction occurs, the fire alarm affidavit of service/repair shall also be completed by a licensed fire alarm company and by the owner/occupant.

FIRE ALARM BOX, MANUAL

A manually operated device used to initiate an alarm signal.

FIRE ALARM SIGNAL

A signal initiated by a fire alarm initiating device such as a manual fire alarm box, automatic fire detector, sprinkler water flow switch or other device whose activation is indicative of the presence of a fire or fire signal.

FIRE ALARM SYSTEM

A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of the fire alarm or supervisory signal initiating devices and to

initiate the appropriate response to those signals.

HEAT DETECTOR

A fire detector that detects either abnormally high temperature or rate of rise, or both.

INITIATING DEVICE

A system component that originates transmission of a change of state condition, such as in the smoke detector, manual fire alarm box, or supervisory switch.

LISTED

Equipment, materials, products or services included in a list published by an organization acceptable to a code official or the Fire code official and concerned with the evaluation of products or services that maintains periodic inspection of products of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specific purpose.

KNOX BOX

A secure, tamperproof device with a lock operable only by the Fire Department master key; and containing entry keys and other keys that may be required for access in an emergency.

WEST NORRITON TOWNSHIP FIRE RESCUE (JFC)

A combination career and volunteer fire rescue system, which provides the primary fire and rescue services within West Norriton Township.

NONREQUIRED FIRE ALARM SYSTEM

Any fire alarm system not required by this article or by building or fire codes in effect in West Norriton Township.

REQUIRED FIRE ALARM SYSTEM

A fire alarm system required by this article and any building or fire codes in effect in West Norriton Township.

SMOKE DETECTOR

An approved, listed device that senses visible and invisible particles of combustion.

SUPERVISORY SIGNAL

A signal indicating the need of action in connection with the supervision of guard tours, the fire suppression systems or equipment, or the maintenance features of related systems.

TROUBLE SIGNAL

A signal initiated by the fire alarm system or device indicative of a fault in a monitored circuit or component.

§ 13-221. New systems.

Fire alarm systems for new buildings or other structures shall be installed as provided in the

building, fire, and other applicable codes in effect in West Norriton Township. Permits shall be applied for and obtained as provided in this article.

§ 13-222. Existing systems.

- A. Additions or alterations to or rehabilitation of structures. Enclosed additions or interior alterations to, change in use of, or major rehabilitation of any building shall require that existing fire alarm systems shall conform to the requirements for new fire alarm systems as described herein.
- B. Existing, nonconforming systems. Any fire alarm system installed prior to the adoption of this article should be upgraded or improved to provide a minimum level of protection as directed by a code official.
- C. Existing, nonrequired systems. All nonrequired fire alarm systems should provide a minimum level of protection as directed by a code official. All nonrequired fire alarm systems shall be maintained and remain in service unless approval to discontinue the system(s) is received in writing from the Director of Code Compliance. Any approved discontinued systems and related equipment shall be completely removed from the structure so as not to give a false indication that the building, area, or space is protected by a fire alarm system.

§ 13-223. Repairs and maintenance.

A. General.

- (1) All fire alarm systems, devices, and service equipment installed in or on any structure in West Norriton Township shall be maintained in an operative condition at all times. It shall be unlawful for any person(s) to reduce or interfere with the operational effectiveness of a fire alarm system.
- (2) This requirement shall not prohibit a licensed fire alarm company technician from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations, extensions, or additions. Alterations, extensions, or additions to fire alarm systems require written approval from a code official. The Director of Code Compliance or a code official shall be notified in writing, including facsimile or e-mail, prior to when disconnection and interruption of protection caused by tests, repairs, alterations, extensions or additions are started and upon completion of such work and shall be advised of the extent of and reason for such work. The restoration of the protection shall be accomplished within four hours in sleeping occupancies and within 72 hours in all other occupancies.

B. Maintenance.

- (1) It shall be the duty of the building owner(s) to install, test, repair and maintain the following systems in accordance with the applicable NFPA standard in effect: automatic

fire detection devices (including smoke and heat detectors); fire alarm systems; automatic fire sprinkler systems, including fire pumps and standpipes; automatic fire suppression systems; central station monitoring, when such systems and/or devices are required by West Norriton Township ordinances.

(2) It shall be the duty of a tenant or lessee to maintain all required fire alarm systems and/or related components noted above when so required as part of a written lease agreement or a written maintenance agreement.

C. Alarms out of service (O.O.S.). When the building alarm is out of service while the building is occupied, a fire watch is required to be posted every hour on each floor and one fire guard on the perimeter of the building. The fire watch activity must be logged in and is subject to inspection.

§ 13-224. Duties and powers of code officials and fire officers.

A. General. The Director of Code Compliance and the code officials shall enforce all of the provisions of this article and shall act on any question relative to the manner of design, installation, testing, repair, maintenance, materials, equipment, and devices, or any related issues pertaining to fire alarm systems, except as otherwise specifically provided for by statutory requirements or by this article. The Fire Officer is the authorized representative of the JFC in charge at the fire or incident scene.

B. Application and permits. The Department of Code Compliance shall receive applications, plans, specifications, monitoring/supervisory information, permit fees and shall issue permits for the installation of, additions, extensions, or alterations to fire alarm systems. A code official shall inspect the premises for which such permits have been issued and enforce compliance with the provisions of this article.

C. Affidavits and notice of violations. The Fire Officer in charge of any incident involving a fire alarm system shall be responsible for executing the fire alarm affidavit form and forwarding a copy of all responses to automatic fire alarms to the Department of Code Compliance. Code officials shall issue all necessary notices or orders to correct improper conditions with fire alarm systems to ensure compliance with all code requirements for the health, safety, and general welfare of the public.

D. Inspections. The Director of Code Compliance or a code official shall make all required inspections of premises to enforce compliance with the provisions of this article. Inspections shall include, but are not limited to, a final acceptance test.

E. Rule-making authority. The Director of Code Compliance shall have power as necessary in the interest of public health, safety, and general welfare to adopt and promulgate rules and regulations to interpret and implement the provisions of this article as authorized by the Board of Commissioners of West Norriton Township to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically

provided for in this article or in building and fire codes as adopted and amended by West Norriton Township.

- F. Department records. The Department of Code Compliance shall keep official records of applications received, permits, approvals, and certificates issued, fees collected, reports of inspections, and notices and orders issued, including affidavits issued and received.
- G. Annual report. The Director of Code Compliance shall submit an annual report to the West Norriton Township Fire Service Council, regarding automatic fire alarm responses and corrective actions taken by the Department of Code Compliance regarding noncompliant systems.
- H. Multiple-tenant buildings central station service. New and existing multiple-tenant buildings, as determined by the Director of Code Compliance, shall be monitored, and have inspections, testing, maintenance, and runner service provided by one central station service company, which is UL or FM listed.
- I. Exception. Buildings with an anchor store from which other stores are separated by a code-compliant fire wall or fire barrier may contract with a different central station service company.

§ 13-225. Permit requirements.

- A. When permit is required. It shall be unlawful to alter or add to existing fire alarm systems or to install a fire alarm system or related components of a fire alarm system for which provision is made or the installation of which is regulated by this article, without first filing the appropriate application, paying the applicable fee, and submitting the required design information with the Department of Code Compliance in writing and obtaining the required permit. Repairs as defined by § 160-26 of this article, which do not involve any violation of this article, shall not require a permit.
- B. Form of application. The application for a permit shall be submitted in such form as the Director of Code Compliance prescribes and shall be accompanied by the required fee as prescribed by a resolution of the West Norriton Township Board of Commissioners.
- C. By whom application is made. Application for a permit shall be made by an owner or an authorized agent of a fire alarm contractor properly licensed by West Norriton Township to install, extend, repair, and maintain fire alarm systems in West Norriton Township.
- D. Plans and specifications.
 - (1) Residential. Plans and specifications are not required to be submitted for one- and two-family dwellings; however, after the application for a permit and fee are submitted, a preliminary inspection shall be scheduled with a code official and the permit applicant for the purpose of determining the locations of smoke detectors, notification appliances, and related equipment devices in the building prior to their installation.

(2) Commercial/industrial/nonresidential. The permit application, permit fee, and completed fire alarm submittal guide for commercial fire alarm systems (including multiple-family dwellings) shall be submitted. Two copies of plans and specifications shall be submitted. Plans shall be drawn to scale or clearly dimensioned, with sufficient clarity and detail to show the nature and character of work to be performed. When the quality of materials, equipment, or devices is essential for conformity to this article, specific information shall be given to establish such quality. This article shall not be cited, or the terms "legal" or "approved" or their equivalent be used as a substitute for specific information. A code official is permitted to waive the requirement for filing plans when repair work of a minor nature is involved.

E. Action on application. A code official shall examine or cause to be examined all applications and plans for permits within a reasonable time after filing. If the application or plans and specifications do not conform to the requirements of all pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of this article and all laws applicable thereto, the code official shall issue a fire alarm permit.

F. Compliance with code. The fire alarm permit shall be a license to proceed with the work as approved by a code official and shall not be construed as authority to violate, cancel or set aside any of the provisions of this article except as specifically stipulated by modification approved in writing by the Director of Code Compliance.

§ 13-226. License requirements.

A. License required to install, test, inspect, repair, monitor and maintain fire alarm systems. All individuals, partnerships, corporations, or other entities engaged in the selling, leasing, maintaining, servicing, repairing, monitoring, altering, replacing, moving or installing any fire alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, extended, replaced, moved or installed any fire alarm system in or on any building or structure shall make application on a designated form(s) and obtain a valid fire alarm contractor's license from the Department of Code Compliance of West Norriton Township.

(1) Exception 1. This does not include a person or firm who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location. This exception only applies to one- and two-family dwellings.

(2) Exception 2. Homeowners of one- or two-family dwellings who perform their own installation of a low-voltage fire alarm system which does not transmit to a central station, or 110 volt fire alarm systems within their dwelling unit, are exempt from the licensing requirements; however, residential fire alarm permits and inspections are required from West Norriton Township.

(3) Exception 3. Electrical contractors installing 110-volt smoke detection systems in residential dwellings are exempt from the licensing requirements; however, residential fire alarm permits and inspections are required from West Norriton Township.

B. License fee. Any person making application for a fire alarm contractor license shall pay an annual fee of eighty dollars (\$80.00) or by the amount determined by the Board of Commissioners via resolution and included in the West Norriton Township fee schedule. Fees shall be effective from January 1 through the following December 31. Licensing fees shall not be prorated throughout the year. Fees are not refundable should the license be revoked.

C. Qualifications of fire alarm contractors for central station service.

(1) Any person(s) making application for a fire alarm contractor's license shall demonstrate to the Director of Code Compliance:

(a) A knowledge of and proficiency in fire alarm systems, devices and code standards which govern the application, design, installation, testing, repair, maintenance, and operation of fire alarm systems; and

(b) Other than fire alarm contractors who install fire alarm systems exclusively in one-family and two-family dwelling occupancies, that they are a fire alarm contractor listed by an established and nationally recognized organization (such as UL or FM), which approves the qualifications of fire alarm service contractors for central station service.

(2) Upon successful demonstration of all of the above and payment of applicable fees, a license shall be issued by the Director of Code Compliance.

(3) Exception. Fire alarm companies or individuals who install fire alarm systems exclusively in one- and two-family dwellings and which transmit fire alarm signals off site are not required to be listed for central station service. Such fire alarm systems shall be monitored by a UL or FM listed central station. An installing fire alarm company or individual shall complete and sign the West Norriton Township affidavit stating that it or he installs systems only in one- or two-family dwellings.

D. Township right to suspend or revoke license. The Director of Code Compliance shall have the right to suspend or revoke a fire alarm contractor's license for cause. Cause for revocation shall include but not be limited to selling and/or installing or maintaining fire alarm systems or devices without obtaining permits, approvals/inspections as required; installing unapproved materials or devices; repeated violations of West Norriton Township codes and ordinances.

E. Right to appeal. Any person(s) having a license suspended, revoked, or denied by the Director of Code Compliance shall have the right to file an appeal to the West Norriton Township Board of Appeals. Any appeal must be based on a claim that the Director of Code Compliance did not use factual information to show cause for revoking or denying the fire

alarm contractor's license. Any person who desires to file an appeal shall do so on a form supplied by the Department of Code Compliance within 30 days of receipt of a notice of violation or of any decision by the Director of Code Compliance or a code official.

§ 13-227. Knox box requirements.

- A. When required. All occupancies, other than single- or two-family dwellings, installing a fire alarm system, having an electronic or radio connection to a central station, shall install an approved Knox box for the premises being protected. Knox boxes shall be approved by the Director of Code Compliance and the West Norriton Township Fire Marshal.
- B. Existing installations. Existing facilities with a fire alarm system shall install a Knox box.
- C. Where installed. The Knox box shall be installed as follows:
 - (1) At a location approved by the code official;
 - (2) At a height approximately six feet above grade; and
 - (3) To the right side of the main entrance door(s) facing the public roadway.
- D. Premises keys. Keys that provide immediate access to the premises and to fire-protection-related equipment shall be identified as to the door they operate and secured in the Knox box within two days of new Knox box installations. The Knox box must contain two sets of keys for every door. Keys shall be inspected periodically by the owner/occupant of the premises to ensure that keys operate all doors necessary for JFC access to the building. The property owner or authorized agent shall be responsible for maintaining a two set of keys in the Knox box which are capable of unlocking entrance, exterior and interior doors in the building(s) and/or tenant space(s).

§ 13-228. Owner/occupant responsibilities.

- A. Fire alarm activation. The responsibility for a fire alarm activation shall be that of the owner/occupant for whom a fire alarm system is installed. A response to an alarm activation shall result when any Fire Officer or member of the JFC shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system(s), by any means whatsoever, and responds thereto by traveling to that premises. After responding to an alarm activation, the Fire Officer shall notify the responsible party through Lancaster County Wide Communications regarding the activation of the alarm system, and such person shall thereupon travel to the premises to ascertain the status thereof. Failure of the responsible person(s) to appear at said premises within 30 minutes, after being notified to do so, shall constitute a violation, and may result in forcible entry by the JFC and West Norriton Township Police Department personnel. The owner shall bear the cost of repair for any damage incurred during entry and any costs associated with securing the premises to prevent unauthorized entry. The Fire Officer shall serve the owner, authorized representative, or occupant a fire alarm activation report. In a no-response situation by the responsible party,

the Fire Officer shall forward the report to the Department of Code Compliance for action.

- B. Fire alarm activation report. In the event of a fire alarm activation the owner, authorized representative or occupant shall be served a fire alarm activation report by the Fire Officer describing the probable cause of the alarm. The owner, authorized agent or occupant shall sign and return the completed affidavit of service/repair within 15 business days of the said fire alarm activation which can verify to the satisfaction of the Director of Code Compliance that the fire alarm system in question has actually been inspected by a licensed fire alarm service company and that a good faith attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was described as the cause of the fire alarm malfunction. Failure to return an affidavit of service/repair within the said fifteen-day period that is satisfactory to the Director of Code Compliance shall constitute a violation.
- C. Service of fire alarm activation report and affidavit of service/repair. Service of written notice of fire alarm activation report and affidavit of service/repair shall be accomplished by delivering a copy in person to the responsible party or any agent of the owner or responsible party at the premises or by posting a copy in a conspicuous place at the main entrance door.

§ 13-229. Enforcement; violations and penalties.

- A. Notice of violation. Whenever a code official observes an apparent or actual violation of a provision of this article, the code official shall prepare a written notice of violation describing the condition which requires corrective action. The notice shall specify the violation and time limitations for the required repairs or improvements to be made to the fire alarm system. Failure to comply with the provisions of the notice of violation shall subject the violator to the penalties herein.
- B. Service of notice. The written notice of violation of this article shall be served upon the owner, the occupant, an agent of the owner or occupant or any other person responsible for the conditions under violation. Such notice of violation shall be served either by certified mail to the last known post office address, delivered in person, or by delivering it to and leaving it in the possession of any person in charge of or responding to the premises on behalf of the responsible party. Posting a copy in a conspicuous place at the main entrance door shall be deemed the equivalent of personal delivery.
- C. Legal action. Nothing herein shall prevent the Director of Code Compliance from filing a civil complaint or a nontraffic citation against a party without issuing a notice of violation where circumstances require prompt action because of a threat to health, safety and welfare or where a fire alarm system is taken out of service or offline without notice to the applicable central station.
- D. Tampering with systems. Any person(s) who tampers with or interferes with the effectiveness of any fire alarm system or related component shall be in violation of this article.

E. Penalty for violations.

- (1) Any person(s), firm or corporation violating any of the provisions of this article or failing to comply with any order issued pursuant to any section thereof shall, upon being found guilty of a civil offense, be liable for a fine of not less than \$100 or not more than \$1,000. Each day that a violation continues shall be deemed to be a separate offense.
- (2) A false alarm shall not be a violation of this article, but the owner shall be responsible for paying a response fee as set forth below. No response fee shall be assessed for the first three false fire alarms at the same premises responded to by the JFC during each calendar year. Thereafter, the following fees shall be paid by the owner for each false fire alarm responded to by the JFC at the same premises during the calendar year:

<u>Number of False Fire Alarm</u>	Residential	Nonresidential
3rd	\$100.00	\$200.00
4th	\$150.00	\$300.00
5th	\$200.00	\$400.00
6 th and above	\$300.00	\$500.00

- (3) Failure to pay any fee as prescribed herein shall constitute a violation.

F. Dispatch prior to verification. It shall be a violation of this article for any central station monitoring company or its employees to verify any fire alarm signal received prior to dispatching JFC through Lancaster County Wide Communications. This provision does not apply to one and two-family dwellings.

G. Alarm reset. Once an automatic fire alarm has initiated and caused the response by JFC, it shall be unlawful for any person(s) to reset the alarm panel until the authorization of the Fire Officer has been obtained.

H. Fines collected. All fines and fees collected under this article shall be deposited into the West Norriton Township General Fund.

§ 13-230. Unpaid fee charges.

Should any fee assessed pursuant to this article remain unpaid in excess of 90 days from the date the charge is billed, the owner shall also be responsible for any collection costs, including attorneys' fees, incurred by West Norriton Township.

SECTION 4: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without

regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 5: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 6: EFFECTIVE DATE.

This Ordinance and the amendment contained herein shall be effective five (5) days after enactment.

ORDAINED AND ENACTED, by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this 9th day of May, 2020

ATTEST:

WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS:

Jason Bobst, Township Manager

By: _____
Martin Miller, President

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-____

AN ORDINANCE TO AMEND THE WEST NORRITON TOWNSHIP OFFICIAL ZONING MAP TO RE-ZONE THE PROPERTIES LOCATED ON RIVERVIEW BOULEVARD (TMP #63-00-08202-03-3, 63-00-08202-00-6, 63-00-08202-07-8 & 63-00-08202-08-7) FROM I-INDUSTRIAL DISTRICTS TO B-P BUSINESS PROFESSIONAL DISTRICTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of Commissioners of West Norriton Township has enacted the West Norriton Zoning Ordinance which contains, *inter alia*, the West Norriton Township Zoning Map;

WHEREAS, the Board of Commissioners desires to rezone the identified parcels to meet future needs of the Township;

WHEREAS, the Board of Commissioners has met the procedural requirements of 53 P.S. § 10101, et seq., the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing;

WHEREAS, the Board of Commissioners of West Norriton Township, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of West Norriton Township will be served by amending the West Norriton Township Zoning Map as identified below; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

1. **MAP AMENDMENT**. The Official Zoning Map of the Township of West Norriton is hereby amended to rezone the properties located on Riverview Boulevard (TMP#63-00-08202-03-3, 63-00-08202-06, 63-00-08202-07-8 and 63-00-08202-08-7), as further described in attached Exhibit “A”, from I-Industrial Districts to B-P Business Professional Districts. The Township Planner or Engineer is hereby authorized and directed to amend the Official Zoning Map to carry out the intent and purpose of this Ordinance amendment.

2. **REPEALER**. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

3. **REVISIONS.** The West Norriton Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

4. **SEVERABILITY.** The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the West Norriton Zoning Ordinance or Zoning Map.

5. **EFFECTIVE DATE.** This amendment shall become effective five (5) days after date of adoption.

ORDAINED AND ENACTED by the Board of Commissioners for West Norriton Township, Montgomery County, Pennsylvania, this ____ day of _____, 2020.

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS:**

Jason Bobst, Township Manager

By:_____
Martin Miller, President

EXHIBIT "A"

**TOWNSHIP OF WEST NORRITON
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. _____**

AN ORDINANCE AMENDING CHAPTER 27 [ZONING], PART 7 [B-P BUSINESS AND PROFESSIONAL DISTRICTS], SECTION 701 [USE REGULATIONS] AND ADDING NEW SECTIONS 710 [REGULATIONS FOR TOWNHOUSES] AND 711 [REGULATIONS FOR COMMERCIAL/RETAIL USES] OF THE WEST NORRITON TOWNSHIP ZONING ORDINANCE TO PERMIT “TOWNHOUSES”, “COMMERCIAL OR RETAIL USE” AND “UNIFIED DEVELOPMENT” IN THE B-P BUSINESS AND PROFESSIONAL DISTRICTS

WHEREAS, the Board of Commissioners of West Norriton Township (“Township”) desires to amend the Township Zoning Ordinance (“Zoning Ordinance”) to amend Section 27-701 “Use Regulations” of the B-P Business and Professional (“B-P”) District to permit townhouses, commercial uses and unified development uses and to permit townhouses and commercial uses in accordance with new Sections 710 and 711, respectively, of the B-P District; and

WHEREAS, the Township Planning Commission, pursuant to the applicable provisions of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, has reviewed this proposed amendment and issued a recommendation to the Board of Commissioners regarding the same.

NOW, THEREFORE, the Board of Commissioners hereby ordains the Zoning Ordinance be amended as follows:

Section 1. The Zoning Ordinance of the West Norriton Township, Chapter 27 [Zoning], Part 7 [B-P Business and Professional Districts], Section 701 [Use Regulations], is hereby amended to add the following:

4. Townhouse(s) (as defined in Section 27-601) by conditional use pursuant to Section 27-1708 (Conditional Use Procedures) and provided no townhouses are constructed in the Floodway (as defined in Section 27-2207).
5. Any commercial or retail use permitted in the L-C Limited Commercial Districts under Section 27-901, except for those uses permitted under Sections 27-901.6, 27-901.7, and 27-901.8, provided that such commercial or retail use is adjacent to or combined with a permitted townhouse development on a minimum tract area of 20 acres.
6. Unified development as described in §27-1001Q of this chapter as a conditional use when authorized by the Board of Commissioners in accordance with the development standards contained in §27-1008 of this chapter, the procedures outlined in §27-1708 of this chapter, the provisions of §27-1803, Subsection 2C of this chapter, and the procedural requirements included in the Pennsylvania Municipalities Planning Code except as specifically provided below:

A. The following uses shall comprise not less than 80% of the total floor area of the unified development:

- (1) Office building, studio, financial uses.
- (2) Hotel.
- (3) Conference center facility.
- (4) Technical training.
- (5) Laboratories for scientific or pharmaceutical research.
- (6) Apartments.

Parking structures shall not be considered floor area for the purpose of this Subsection.

B. A minimum gross tract size of 25 acres shall be provided for the unified development, with direct access to at least one major street as said term is defined in the subdivision and land development ordinance. In the case where more than 750 dwelling units shall be proposed, then access to a second street shall be provided and subject to the approval of the Board of Commissioners.

Section 2. The Zoning Ordinance of the West Norriton Township, Chapter 27 [Zoning], Part 7[B-P Business and Professional Districts] is hereby amended to add a new Section 710 as follows:

§27-710 Regulations for Townhouses

1. Townhouses and townhouse developments shall comply with the following regulations:

- A. Minimum Tract Area: 20 acres
- B. Maximum Impervious Coverage: 65%
- C. Maximum Building Coverage: 50%
- D. Maximum Density: 12.0 DU/gross acre
- E. Minimum Off-Street Parking:
 - (1) 2 spaces/DU + 0.5 spaces for guests/visitors
 - (2) Parking will be distributed throughout development
- F. Minimum Front Yard Setback:

- (1) 22' (front access; measured from rear edge of sidewalk, and if no sidewalk from back of curb)
- (2) 10'(alley access; measured from street line)
- (3) 5'(non-garage; measured from rear edge of sidewalk)(if no sidewalk, then 10' front yard setback from back of curb)

G. Minimum Building Separations:

- (1) Front to front: 35'
- (2) Side to front: 30'
- (3) Side to Side 10'
- (4) Rear to rear: 35'
- (5) Side to rear: 30'

H. Minimum private roadway widths:

- (1) Two way: 26' (with no on-street parking)
34' (one side on-street parking)
- (2) One way: 16' (with no on-street parking)
24' (one side on-street parking)
- (3) Alleys: 16' (with no on-street parking)

I. Maximum height:

- (1) 55' not to exceed 4 stories (not to exceed 65% of units)
- (2) 45' not to exceed 4 stories (not to exceed 35% of units)

J. Maximum # of townhouses attached in a building:

8 units, but in no more than 10% of total townhouse buildings

K. Maximum building length:

150'

L. Maximum % of front garage townhouses:

35%

M. Maximum % of same type of Townhouses:

45%

N. Minimum open space and active recreation areas:

- (1) At least 25% of the gross tract area must be open space area
- (2) At least 50% of open space area must be active recreation area
- (3) In lieu of providing either or both of the minimum percentage of open space or active recreation area, a fee in the amount of \$750/unit

O. Townhouse units may be of the following types:

- (1) front access with 2-car garage
 - (2) front access with 1-car garage
 - (3) alley access with 2-car garage
 - (4) alley access with 2-car tandem garage
 - (5) alley access with 1-car garage
 - (6) non-garage
- P. Front porches are permitted but shall not exceed 4' in depth, must have a roof or covering but cannot be fully enclosed.
- Q. Patios and decks are permitted but shall not exceed 12' in depth but must be located in the rear or alley side and cannot be enclosed.
- R. If retaining walls are proposed, then segmental block walls or other similar design shall be used that are consistent with earth tone colors.
2. All townhouse development roads/alleys, stormwater facilities, sidewalks, landscaping and open space shall be privately maintained in perpetuity by a single entity or association.
3. As part of the conditional use application, townhouses and townhouse developments shall provide the following information for review and approval:
- A. Conceptual architectural renderings.
 - B. Conceptual landscaping plans.
 - C. A list of building materials.
 - D. The truck turning template.
 - E. The following standards must be met for any townhouse development:
 - (1) Units with garage doors occupying greater than 50% of the unit/building façade, then the unit/building façade shall be designed to articulate or undulate;
 - (2) Unit/building's front façade must contain a minimum of 25% stone or brick material;
 - (3) Units within townhouse buildings must be provided with some offset; and
 - (4) If required by a Township Public Safety Agency, all buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems at the exterior of the building.
 - (5) Front access townhomes must have sidewalks on street side of property.

Section 3. The Zoning Ordinance of the West Norriton Township, Chapter 27 [Zoning], Part 7[B-P Business and Professional Districts] is hereby amended to add a new Section 711 as follows:

§27-711 Regulations for Commercial and Retail Uses

1. Commercial or retail uses shall comply with the following regulations:

- A. Minimum Tract Area: 1.5 acres
- B. Maximum Impervious Coverage: 90%
- C. Maximum Building Coverage: 40%
- D. Minimum Off-Street Parking: Per §27-1410
- E. Minimum Yard Setback: 25' (front yard measured from rear edge of sidewalk, and if no sidewalk from back of curb)

Section 4. Nothing in this Ordinance or in the Zoning Ordinance, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired, or liability incurred, any permit validly issued, or any cause or causes of action existing under said Zoning Ordinance prior the adoption of this amendment.

Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of Court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 6. This Ordinance shall take effect and be in force from and after its enactment or adoption as required by law and shall be considered as having been filed in the Township's official book of Ordinances as of the date of the Board of Commissioners' enactment.

Section 7. This Ordinance repeals any prior ordinance or portion thereof to the extent that such prior ordinance or portion thereof is inconsistent with this Ordinance.

ORDAINED and ENACTED by the Board of Commissioners of West Norriton Township this _____ day of _____, 2020.

ATTEST:

BOARD OF COMMISSIONERS
OF WEST NORRITON TOWNSHIP

Jason Bobst, Manager

Martin Miller, Chair

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION #20-1658

A RESOLUTION AMENDING RESOLUTION 18-1600 ENTITLED “A RESOLUTION GRANTING A WAIVER OF THE REQUIREMENTS FOR A LAND DEVELOPMENT APPLICATION AND APPROVAL FOR OUTSIDE UNLIMITED, LLC FOR VALLEY FORGE BUSINESS CENTER, LOT 227, (BLUE DOVE BASIN PROPERTY), WEST NORRITON, PA” BY RELEASING OUTSIDE UNLIMITED, LLC FROM ITS OBLIGATIONS UNDER THE RESOLUTION AND RELATED AGREEMENTS AND ASSIGNING THOSE OBLIGATIONS TO BENCHMARK SITE HOLDINGS, LLC

WHEREAS, KI REAL ESTATE VALLEY FORGE, LLC, also doing business as OUTSIDE UNLIMITED, LLC (“OUTSIDE UNLIMITED”) owns Tax Parcel No. 63-00-00463-20-3, a 6.01-acre property located at 2421 Boulevard of the Generals, Norristown, PA 19403 (“PROPERTY”);

WHEREAS, OUTSIDE UNLIMITED accepted Resolution 18-1600 and recorded a land development agreement, a financial security agreement, and a stormwater management agreement and began construction in accordance with their plans entitled “Site Plan for Outside Unlimited” prepared by D.L. Howell & Associates, Inc., consists of 17 sheets dated February 22, 2018, and last revised January 18, 2019; and Post Construction Stormwater Management Report dated May 9, 2018, and last revised January 18, 2018 (“PLANS”);

WHEREAS, OUTSIDE UNLIMITED has not completed construction of the PLANS and instead intends on conveying the PROPERTY to BENCHMARK SITE HOLDINGS, LLC (“BENCHMARK”);

WHEREAS, BENCHMARK intends on completing the construction in accordance with the PLANS and has executed a land development agreement, a financial security agreement, and a stormwater management agreement that will take effect when the property is conveyed at closing; and

WHEREAS, West Norriton Township intends on releasing OUTSIDE UNLIMITED from all of its responsibilities and obligations regarding Resolution 18-1600, the land development agreement, financial security agreement and stormwater management agreement when the property is conveyed to BENCHMARK at closing.

NOW, THEREFORE, BE IT RESOLVED, that the West Norriton Township Board of Commissioners hereby amends Resolution 18-1600 with subject to the conditions below:

1. At closing, when the property is conveyed, OUTSIDE UNLIMITED is released from its obligations and responsibilities under Resolution 18-1600 and its respective land development agreement, financial security agreement, and the stormwater management agreement.
2. At closing, when the property is conveyed, the land development agreement, financial security agreement, and stormwater management agreement executed by BENCHMARK becomes effective.
3. By accepting this Resolution, BENCHMARK also agrees to the terms of Resolution 18-1600 and amended by this document.

DULY PRESENTED AND ADOPTED by the West Norriton Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this 9th day of June, 2020.

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS**

Jason M. Bobst, Township Manager

By: _____
Martin Miller, President

ACCEPTED: BENCHMARK SITE HOLDINGS, LLC

By: _____

(Print Name and Title)

Date: _____

RESOLUTION

BE IT RESOLVED, by authority of the Board of Commissioners of the Township of West Norriton, Montgomery County, and it is hereby resolved by authority of the same, that the Manager of said Municipality be authorized and directed to sign the attached grant on its behalf.

ATTEST:

WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS

Kathy K. Frederick
Assistant Secretary

By: _____
Martin Miller
President

(SEAL)

I, Kathy K. Frederick, Assistant Secretary of the Township of West Norriton, Montgomery County, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Board of Commissioners held the 9th day of June, 2020.

DATE: 6/9/2020

Kathy K. Frederick
Township Assistant Secretary