

# WESTTOWN TOWNSHIP

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## AGENDA

### Westtown Township Board of Supervisors Regular Meeting Monday, May 20, 2019 - 7:30 PM

Westtown Township Municipal Building  
1039 Wilmington Pike, Westtown

- I. Call to Order
- II. Approval of Board of Supervisors Meeting Minutes – May 6, 2019
- III. Summary of Board of Supervisors Workshop – May 20, 2019
- IV. Departmental Reports
  - A. Parks & Recreation Commission – Rob Pingar
  - B. Planning Commission – Russ Hatton
  - C. Manager’s Report – Rob Pingar
- V. Public Comment (Non-Agenda Items)
- VI. Old Business
- VII. New Business
  - A. Ordinance 2019-03, Signs – authorize Act 247 review
  - B. Ordinance 2019-04, Liquor Licenses Transfers – authorize advertisement
- VIII. Announcements
  - A. Parks & Recreation Commission Vacancy
  - B. Good Fellowship Ambulance, Community Open House – Thurs. May 22<sup>nd</sup> at 5:30 pm
  - C. Westtown School Conditional Use Hearing No. 5 – Tuesday May 28<sup>th</sup> at 7:00 pm
  - D. CRC Watershed Discovery Day – Saturday June 1<sup>st</sup> at 2:00 pm
- IX. Public Comment (All Topics)
- X. Payment of Bills
- XI. Adjournment

## **How to Engage in the Public Comment Sections of a Township Meeting**

Public Comment is heard at three (3) different points during the meeting:

1. **BEFORE OLD BUSINESS** - The public is permitted to make public comment on any matter not on the agenda. This comment period is subject to the time constraint in (d) below
2. **PRIOR TO** any action on a motion on an Agenda item. Public Comment at this stage is limited to the item under discussion (e.g. it is not appropriate to initiate a discussion on police services if the body is acting upon a sewer issue).
3. **AFTER NEW BUSINESS.** - Public Comment is open to any legitimate item of business which can be considered by that Township Board/Commission (e.g. Planning Commission can discuss issues having to do with plan reviews, but cannot discuss why the Township does not plow your street sooner. Supervisors can discuss nearly every issue).

How to make a comment to any Township Board/Commission:

- a. The Chair will announce that the Board/Commission will now hear public comment, either on a specific issue or generally.
- b. You must then obtain recognition from the Chair prior to speaking.
- c. Once you have the floor, state your name and address for the record.
- d. You may then make your comment or ask your question. You will have three (3) minutes to make your statement, unless the Chair has announced otherwise, so please come prepared!

**WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING**  
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown  
Monday, May 6, 2019 – 7:30 PM

In attendance were Chair Scott Yaw, Vice Chair Mike Di Domenico, Police Commissioner Carol De Wolf, Township Manager Rob Pingar, Police Chief Brenda Bernot, Public Works Director Mark Gross, Historical Commissioner Erica Reilly, Planning Commissioner Jim Lees, and Township Solicitor Stacey Fuller. There were 4 guests.

**I. Call to Order**

Mr. Yaw called the meeting to order at 7:33 PM. He asked if anyone was recording the meeting. Eva Foster stated that she was making an audio recording.

**II. Approval of Minutes (March 18, 2019 and April 1, 2019)**

Mr. Di Domenico made a motion to approve the March 18, 2019 Board of Supervisors meeting minutes. Ms. De Wolf seconded the motion. There were no questions or comments, and the minutes were unanimously approved.

Mr. Di Domenico made a motion to approve the April 1, 2019 Board of Supervisors meeting minutes. Ms. De Wolf seconded the motion. There were no questions or comments, and the minutes were unanimously approved.

**III. Workshop Meeting Summary (May 6, 2019)**

Mr. Yaw reported that the Board held an Executive Session before the open workshop to discuss litigation and contractual matters. In the public workshop, the Board discussed a proposal from the West Chester Area School District (WCASD) to increase the number of outdoor lighted events at Rustin High School from 20 to 30.

There were no comments or questions on the workshop.

**IV. Departmental Reports**

**A. Westtown East Goshen Regional Police (WEGO) – Chief Brenda Bernot**

Chief Bernot was pleased to report that the department received their re-accreditation from the Pennsylvania Law Enforcement Accreditation Commission (PLEAC). They are among 6 agencies in Chester County to achieve this certification, so residents can be assured that WEGO meets the highest professional standards. Mr. Yaw congratulated the Chief and the department.

The Chief stated that the department is investigating a hate crime against a Sunoco pipeline employee. She added that several pipeline construction vehicles were recently vandalized. While she supports the First Amendment right to protest, she stated that protests must be made legally and safely, or they will be subject to citation or arrest. She encouraged residents to contain their emotions on this controversial project.

Mr. Pingar asked where the incident occurred. The Chief responded that it happened along Route 352 in East Goshen Township. Mr. Yaw asked if the incident was reported on Crimewatch. Chief Bernot stated that it was. The incident remains under investigation.

**B. Public Works (PW) – Mark Gross**

Mr. Gross reported that the department spent a lot of time in April working on the adaptive traffic signal project on SR 3. After some adjustments by the programmer, the signals at SR 352 and at Manley Road now seem to be operating properly. Neighboring townships are still struggling to resolve backups on side streets that are resulting from the adaptive technology. Mr. Gross reported that PennDOT has awarded the contract to coordinate the signals on SR 202 from Matlack Street to SR 1 to the same contractor that did the project on SR 3. He anticipates that it will take a lot of time to coordinate the signals in that stretch of SR 202.

Mr. Gross has also been working with McCormick Taylor on the mast arm design for the signal at SR 352 and SR 3. There was a conflict with the existing pipeline on the northeast corner of the project, so the location of the footing is being redesigned.

Mr. Gross provided oversight for the televising, cleaning, and inspection of stormwater pipes under roads slated for inclusion in upcoming road maintenance projects. Only a few pipes are in need of replacement. Due to recent rains, the crew has been clearing a lot of creeks, culverts, and over 800 stormwater inlets.

At the park, the township benefitted from the spring cleanup efforts of Cub Pack 69 and Troop 222. The kids collected and piled sticks from the park grounds, which aided the crew with the start of the mowing season. Mr. Gross has also been working with Friends of Oakbourne on memorial tree plantings and maintenance of existing plantings. He thanked Tom Bare and Rick Brown for the extensive hours they have devoted to the park grounds.

The rebuild of the Kirkwood Pump Station is progressing without issue. Mr. Gross stated that the project will be completed by the end of May.

Future projects include the asphalt base repair for the Aqua water main work on Sage Road, and stormwater inlet repairs. Mr. Yaw asked if Sage Road would be included in the 2019 Road Maintenance Program. Mr. Gross stated that it would be, along with General Howe, where Aqua also replaced the water main.

There were no other comments or questions.

**C. Historical Commission (HC) – Erica Reilly**

Mrs. Reilly reported that the HC is wrapping up the final edits to the Westtown history book.

The HC conducted a brief ceremony at the Birmingham Lafayette Cemetery on Saturday to install the tombstone of Valentine Kergin, who was the chief mason on the first Pennsylvania state capitol building. Decades ago, the headstone was removed from the Taylor Burial Ground in what is now the Pleasant Grove development, and had been in storage in the Archeology Department at West Chester University.

Mrs. Reilly stated that Westtown Day planning is going well, with over \$5000 in sponsorships so far, and more pledged. New participants include the West Chester Public Library and Paoli and Brandywine Battlefields. Mrs. Reilly requested guidance from the Board for a policy on participation from political candidates. Ms. De Wolf stated that she recently attended a session that addressed campaigning in public parks and will provide the presentation to Mr. Pingar.

There were no other comments or questions.

**D. Planning Commission (PC) – Jim Lees**

Mr. Lees reported that at their last meeting on April 17, the PC discussed two ordinance amendments regarding residential accessory structures and accessory dwelling units. The PC recommended approval of Ordinance 2019-02 regarding converting an accessory dwelling into a rental unit by Special Exception. The PC also discussed the use of fireworks in the township. Mr.

Lees stated that Nancy Harkins will attend the May 8 PC meeting to provide a presentation on the Sunoco pipeline project.

Mr. Di Domenico and Ms. De Wolf questioned why the PC was discussing fireworks. Ms. De Wolf stated that the township uses listserv and the website to keep residents informed about state law governing the use of fireworks. Mr. Yaw asked if the PC discussed content of proposed ordinance regarding fireworks. Mr. Lees said they did not.

There were no additional comments or questions.

**E. Township Solicitor – Stacey Fuller**

Ms. Fuller reported that her office has continued to participate in the hearings for Westtown School Conditional Use Application and Zoning Amendment. The next hearing is scheduled for May 28. She stated that Mr. McKenna is returning from Commonwealth Court Pittsburg today after oral arguments on the Toll Brothers/Crebilly appeal. Ms. Fuller estimated the court would take six months for a decision in the case.

There were no questions or comments.

**F. Manager’s Report – Rob Pingar**

Mr. Pingar noted that the Board did not hold a second meeting in April because they attended the Pennsylvania State Association of Township Supervisors (PSATS) annual conference in Hershey. The supervisors and Mr. Pingar attended various training sessions.

Mr. Pingar stated that he will attend the PC meeting on Wednesday to hear the Sunoco pipeline presentation. He said construction in the township has been uneventful since the steel sleeves were driven in to protect the existing pipelines. He reported that the new sign ordinance will be before the Board at their next meeting, and he noted that the updated Comprehensive Plan has been printed and distributed.

Mr. Di Domenico asked for an update on the Veterans’ Memorial project. Mr. Pingar stated that the design plans have been reviewed by staff, and the plantings were reviewed by the Friends of Oakbourne. Mr. Gross said he received the plans last week and has major concerns about drainage. Mr. Pingar stated he will review the drainage issues with Mr. Gross.

Ms. De Wolf stressed the need to finalize the plans for the Tyson Park project, so that the project can be put out for bid and construction can begin this summer.

There were no other comments or questions.

**V. Public Comment (Non Agenda Items)**

Nancy Harkins, 1521 Woodland Road, wanted to alert the Board of a letter submitted by West Rockhill Township to the Federal Energy Regulatory Commission (FERC) regarding the Adelpia Pipeline. Reportedly, Adelpia informed West Rockhill that local ordinances do not apply to the pipeline project. Ms. Harkins provided a copy of the letter to the Board. Ms. De Wolf commented that the project goes through significant natural areas.

There were no comments or questions.

**VI. Old Business**

**A. Ordinance 2019-01, Accessory Structures Setbacks - authorize advertisement**

This is an amendment to §170-1502, projections into setbacks and setback exceptions, paragraph F. It will allow arbors, garden sheds, private garages, private greenhouses, trellises, workshops,

and similar accessory structures to be setback from side and rear property lines at a distance no less than the height of the accessory structure, would cap the size of accessory structures to no greater than 50% of the footprint of the principal dwelling, and would prohibit wheels on accessory structures. These provisions will not apply to flexible developments.

Mr. Di Domenico made a motion to authorize advertisement of Ordinance 2019-01 amending §170-1502 and §170-1603 of the Westtown Zoning Ordinance, relative to accessory structure setbacks from side and rear property lines. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

#### **B. Ordinance 2019-02 Accessory Dwelling Units - Adoption**

Mr. Yaw explained that this ordinance amendment to §170-501, §170-601, §170-701, and §170-1619 would allow for the conversion of an accessory dwelling unit into a rental dwelling unit, by Special Exception in the A/C, R-1, and R-2 districts. Accessory Dwelling Units may only be permitted by a decision of the Zoning Hearing Board, so this process would require an applicant to re-appear before the ZHB to convert the accessory dwelling unit into a rental unit. The conditions outlined in the proposed amendment are reasonable for allowing an ADU to convert into an RDU, including the provision that the rental unit only be occupied by persons who are related to each other (definition included) so as to avoid a college apartment circumstance.

Mr. Di Domenico made a motion to adopt Ordinance 2019-02 amending §170-1619 and related sections of the Westtown Zoning Ordinance, relative to the conversion of an Accessory Dwelling Unit (ADU) into a Rental Dwelling Unit (RDU) by Special Exception. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

### **VII. New Business**

#### **A. Oakbourne Road Bridge Replacement Project, Utility Relocation – Contract Award**

Carroll Engineering reviewed the bids for relocation an 8” water main and a 12” sewer force main, both mounted on the existing bridge. They will be permanently relocated off the bridge and will be constructed by horizontal directional drilling. In a letter dated April 22, 2019, Carroll Engineering notified Doli that the Board agreed to award them the contract, and would ratify the award at their May 6, 2019 regular meeting.

Mr. Di Domenico commented about the total cost of the project being in excess of \$1MM. Mr. Pingar explained that in addition to the replacement of the bridge and the utility relocation, the township will take advantage of the road closure to also replace the sewer force main from the bridge up to the intersection of S. Concord and Oakbourne Road.

Mr. Di Domenico then made a motion to ratify the award of the construction contract for the Oakbourne Road Bridge Replacement Project, sewer and water utility relocations, to Doli Construction Corporation in the amount of \$356,135.00. AQUA Pennsylvania will reimburse Westtown for their \$96,000 portion of this. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

### **VIII. Announcements**

Mr. Yaw announced that the township is accepting applications for appointment to the Parks & Recreation (P&R) Commission. P&R plans and runs community events at Oakbourne Park. It meets at 7:00 PM on the second Tuesday of the month at Oakbourne Mansion. If you would like to volunteer on P&R, please send your letter of interest and resume to the Township Manager, Rob Pingar.

### **IX. Public Comment on All Topics**

There was none.

**X. Payment of Bills**

Mr. Di Domenico made a motion to approve the General Fund bills in the amount of \$421,146.54, Wastewater Fund bills in the amount of \$7,832.58, Capital Projects Fund bills in the amount of \$136,758.60, for a grand total of \$565,737.72. Ms. De Wolf seconded the motion. There were no questions or comments, and the check registers were unanimously approved.

**XI. Adjournment**

Ms. De Wolf made a motion to adjourn the meeting. Mr. Yaw seconded the motion. The motion was unanimously approved and the meeting adjourned at 8:17 PM.

Respectfully submitted,

Robert Pingar  
Township Manager

DRAFT

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
Wednesday May 8, 2019 – 7:30PM

## **Present**

Commissioners – All Planning Commission (PC) members were present (7-0). Also present was Township Planning Director Will Ethridge.

## **Call to Order and Pledge of Allegiance**

Mr. Pomerantz called the meeting to order at 7:30 PM, Mr. Rodia led those present in the Pledge of Allegiance.

## **Adoption of Agenda (JL/RH) 7-0**

The order of New Business items was changed.

## **Approval of Minutes**

Planning Commission Meeting minutes for 04/17/2019 were approved. **(KF/RH) 6-0**

## **Announcements**

1. Comprehensive Plan Implementation webinar on 5/2 was attended by two PC members and two BOS members.
2. Will Ethridge summarized that the Zoning Hearing Board voted unanimously to deny Mr. Italiano's request for a variance. He added that the Board allowed Mr. Italiano to keep his gates, but the fence would have to be removed from the right of way within the next 30 days. Mr. Italiano has the right to appeal that decision.

## **Public Comment – Non Agenda Items**

None

## **New Business**

1. **Snyder Zoning Hearing Board application for an Accessory Dwelling unit at 620 Oakbourne Rd** - Mr. Ethridge noted that Mr. Snyder's special exception for an accessory dwelling unit application was complete and summarized the application. He also included printouts of both the Special Exception as well as Variance standards. Mimi Snyder and Rob Snyder of 620 Oakbourne Rd and Justin Brewer of D.L. Howell and Associates were present. Mr. Brewer recapped that the applicants wanted to construct an accessory dwelling unit to the existing single-family home. He noted that MLS listing indicated the house was 2,352 sq. ft., and the ordinance allowed an accessory dwelling unit to be of either 1,200 sq. ft. or 35% of the gross habitable area of the existing dwelling, whichever is less. Mr. Brewer made calculations that a total habitable area of the house was equal to 3,450 sq. ft. with 2,352 sq. ft. previously mentions and additional 1,100 sq. ft. of finished basement area that was completed about 7 years ago. He noted that by those calculations, 35% of gross habitable area was



1,208 sq. ft. Mr. Lees raised the question whether basements were considered part of a square footage of the house. Mr. Ethridge responded that when a basement area was finished, he considered that to be a livable area. Mr. Brewer indicated that Mr. and Mrs. Snyder would occupy the accessory dwelling unit and their daughter would occupy the existing home. He reiterated that the applicants were looking for a special exception to construct the accessory dwelling unit. Mr. Pomerantz asked Mr. Brewer to recap the list of criteria. Mr. Brewer summarized that the applicants had the single family home and the existing outbuilding, the horse barn, and they were proposing sewer connection to the existing gravity main across Oakbourne Rd via grinder pump. He added that the applicants would comply with all area and bulk calculations for the lot. Mr. Brewer also noted that the accessory dwelling unit would be setback further than the front of the existing dwelling as recommended by the Township upon initial application review.

PC had a brief discussion on the definition of a gross habitable area. Mr. Ethridge explained that in his understanding it meant all livable spaces, such as bedrooms, kitchens, bathrooms, no closets, no storage, and finished basement. Mr. Ethridge looked into the zoning chapter and confirmed that there was no definition of gross habitable area in the Code. Mr. Flynn also posed a question about the size of the proposed garage and the fact that it was not included in the calculations. Mr. Brewer stated the garage would be 20X20 or 400 sqft. Ms. Snyder responded that the signs were posted at their property. Mr. Ethridge reminded the PC that the notices were sent out to all property owners within 500 feet of the applicants' house. Mr. Embick raised a question regarding the location of the property in relevance to the floodplain. Mr. Brewer elaborated that there was a floodplain on the property; however, the proposed accessory dwelling unit would not be located within the floodplain. Mr. Embick asked the applicants to go over how the proposed project met the specific standards for special exception application: relationship to the comprehensive plan, suitability of the tract, impact on existing neighborhood character, impact on circulation and economic impact. Mr. Brewer responded that the proposed dwelling unit would be designed with best engineering practices and it would not affect the health, safety and welfare of the public and Westtown Township. He continued that the applicants were aware of environmental conditions, floodplain and buffers and environmental resources that would be addressed and protected. He further elaborated that the existing lot was primarily agricultural with horse pasture, and there was availability of public sewer connection across the street. Mr. Brewer addressed the impact on neighborhood character stating that the architectural renderings of the proposed dwelling was consistent with other dwellings in the neighborhood and similar in style to the existing house on the property. In response to impact on circulation, Mr. Brewer recapped that it was a single-family dwelling with two occupants with no significant impact on traffic. He further added that there was a minimum economic impact. Mr. Ethridge added that the Comprehensive Plan generally recommends affordable housing, and accessory dwelling units were recognized as being compatible with that policy. One of PC members brought up a question about the certainty of public sewer connection. Rob Pingar elaborated that by good fortune there was a short segment of the gravity main that drains all of Wild Goose Farm subdivision into the pump station where the applicant would be able to connect. He noted that the applicant would need to use a grinder pump and that was certainly allowed by ordinance. Mr. Hatton asked the applicants what the plan was for that dwelling unit in the future. The applicants responded that they would turn it over to their children. Kevin Flynn expressed his concern that it would be incredibly easy to construct the accessory dwelling unit and then apply for a subdivision permit next day. He noted that the current permitting process

would allow the applicants to create a subdivision by going through approval for an accessory dwelling unit, which he thought would be inappropriate. He suggested the scenario where the owners would decide to move to a retirement facility, and the new owners could apply for subdivision getting two properties for the price of one. Mr. Ethridge agreed that the proposed scenario would be indeed possible. Mr. Embick reminded that there were requirements for how accessory dwelling units were used, and there was a new provision dealing with the standards for converting an accessory dwelling unit into a rental. Mr. Flynn suggested that the applicant would be better off to create a subdivision with two lots and building the unit on one lot without having any issues in the future regarding the use of the proposed dwelling unit. Mr. Brewer explained that it would take less time to get a special exception and a grading permit to get an accessory dwelling unit built. Elaine Adler agreed with Mr. Flynn's suggestion that it would be simpler and cleaner for the applicant to do a subdivision. Mr. Hatton suggested that the applicant looked into the requirements for subdivision in case they would want to go through that process at some point. Mr. Snyder brought up a point that if he intended to subdivide the lot, he would not built a 1,200 sq. ft. house. Elaine Adler asked if the Zoning Hearing Board could put a condition on its special exception decision that the property must be subdivided should it no longer be used in accordance with the ordinance requirements. Mr. Ethridge responded that while the Zoning Hearing Board could do so, it wouldn't be appropriate.

After a prolong discussion, PC recommended to the Zoning Hearing Board the approval of the application for an accessory dwelling unit, but brought up some questions about the size and the appropriateness of the structure, and the definition of the gross habitable area.

2. Nancy Harkins, 1521 Woodland Rd, was present to provide an update on the status of Sunoco pipeline and to answer any questions regarding various initiatives her group was undertaking. Mr. Flynn commented that he would like to hear some of the ideas or thoughts on what the Township should be doing or could be doing in terms of ordinances or regulations to protect residents if the pipelines were to fail. Mr. Embick added that it was his understanding that the use of pipelines to transport various materials, including gas, oil and shale gas product, was deemed statistically safer than various other modes of transport, including rail and highway transportation. However, he recapped those serious accidents involving pipelines had occurred, making scrutiny of pipeline projects important, especially for municipalities through which pipelines were routed and explained that in the case of the Mariner 1 and Mariner 2 projects, they were plagued with problems. He expressed his interest in hearing about the ability of municipalities to control and address various issues and any recommendations on safety evaluations, monitoring measures that could be employed to evaluate the performance of the pipeline and leaks, and development and implementation of emergency response plans. Mr. Pingar brought to the PC's attention that he had been at the site several times in the last two months since the pipeline construction started in Westtown. He also had several meetings with Energy Transfer Partners, the parent company of Sunoco. Mr. Pingar summarized his knowledge of two drill rigs operating on Cavanaugh Ct, primarily a private road that is owned by the Archdiocese of Philadelphia: one (about 1,400 ft. in length) was being drilled to the south toward Thornbury Township, Delaware County, and one, located just north of Duffer's, was directed to the north. Those two drills were meant to meet somewhere in the middle underneath Route 352. At the same time, there was a separate rig (about 1,100 ft. in length and 12 inches in diameter) being drilled to

the north toward the Matlack florist area where the operators were assembling the pipes and pulling them in the southern direction back toward Cavanaugh Ct. It was the first stage of operation with the operator drilling the pilot holes, then pulling the whole thing back, and actually auger out a larger hole to pull the pipes through it. He noted that in Westtown, that was all happening under Route 352, and the operators would likely have to pull both the 16-inch pipe and the 20-inch pipe back together, so they would not have to do two separate operations for each pipeline. Mr. Pingar made the PC aware that the Township received several complaints regarding noise and vibrations at the initial stages of the project, when the operators were driving a 16-inch solid steel pipe sleeve through soil and rock for a couple of weeks. Mr. Rodia raised a question about any pending mandates by the regulatory agencies to address safety inspections. Nancy Harkins mentioned that the Public Utility Commission (PUC) filed a complaint against Sunoco a few months ago in response to a leak that occurred in Morgantown over a year prior. She emphasized that despite Sunoco stating they were utilizing high tech monitoring technology, all known leaks were reported by landowners or by other observers. Rose Marie Fuller, 226 Valley Road, Middletown Township, brought up to PC attention that they had been dealing with pipeline issues for years. She noted that she utilized Freedom of Information Act to find out everything she could about specific pipelines maintenance and operation. Ms. Fuller shared that she looked into four leaks of the 12-inch 87 year old pipeline, Point Breeze to Montello pipeline, where the hydrostatic testing had been done the year before. She made a point that the pipeline was under cathodic protection, so it should not have leaked; however, it was 87 years old and it was corroded causing 33,000 gallons to leak into Darby Creek. She emphasized that a letter from The Pipeline and Hazardous Materials Safety Administration (PHMSA) stated that the pipeline was compromised, and Ms. Fuller questioned the definition of "compromised". She received a verbal confirmation from the PHMSA that "compromised" was used in reference to that pipeline being corroded. Mr. Fuller also stated that in the UK, a pipeline was put out of commission if it was 80 years old and expressed her frustration that the operators were able to proceed with Mariner pipelines. Ms. Fuller also noted that Sunoco had the worst records with leaks happening every two to three years. Mr. Pingar shared her concerns and added that the Board had been frustrated with the regulatory agencies and their boundaries of oversight. He also agreed with Ms. Fuller that Sunoco had not been forthcoming with information and failed in lot of ways being responsive. Mr. Pingar recapped that the Township had the Emergency Response Plan that was updated every two years. He shared that it was his understanding that Sunoco provided the Emergency Response Plan to the police department who would now have a better ability to respond to a pipeline emergency. Mr. Pingar recapped that Bill Turner from the Chester County Emergency Department testified before the Board that he felt confident that they had the training, equipment, and manpower to respond as best as they could. Ms. Harkins summarized that she, Ms. Fuller, and five other residents from Chester and Delaware Counties were parties to a formal complaint (the Safety Seven Complaint) before the PUC regarding pipeline safety issues, including that there was no credible response plan and the public did not have information they needed to protect themselves. She noted that they had had a great amount of support, including from Senator Killian, four school districts, multiple townships, and Andover Homeowners Associations. Ms. Harkins emphasized that there was no agency that had a citing authority on this type of pipeline in Pennsylvania. She further explained that PHMSA had only two engineers and two inspectors for all of Pennsylvania, which was insufficient to the amount of oversight those projects needed. Laura Snyder of Grady Hill Rd, Edgmont

Township, noted that Edgmont Township intervened in two processes, the Safety Seven and the BNI case, where the BNI case was settled. She shared that Edgmont had experienced three leaks involving 12-inch and 8-inch pipelines that were now being repurposed for the NGLs. Fortunately, those leaks involved diesel fuel, and the homeowner was able to smell it and report it. She made a point that if it were a NGLs leak, it would not have been easily detected and remediated. Ms. Harkins brought up the discussion regarding the ability of monitoring systems to detect NGLs leaks. Ms. Fuller expanded on that stating that Sunoco claimed to have leak detection equipment installed, however, in her understanding it had not detected any leaks so far. Ms. Harkins recapped that in her knowledge there were three homeowners in Exton whose homes were bought by Sunoco due to having sinkholes caused by pipeline construction activities. Ms. Harkins also noted that people did not want to buy houses near pipelines or start businesses in fear of being negatively impacted in the future. She made a point that the townships should work together to continue to educate the public and raise awareness. Rob Pingar confirmed that Sunoco had all permits in place and all easements needed to complete the construction. He also confirmed that Sunoco did not buy any easements from Westtown. Ms. Harkins shared that DEP had issued air quality permits for Marcus Hook; however, Clean Air Council appealed one of those permits because Sunoco's application had significantly understated emissions from the new facility. As a result, a couple of months ago the Environmental Hearing Board judge ruled in favor of the Council, which meant that Sunoco would have to reapply for those permits and were not able to do construction in West Whiteland and in that entire geographic area that is under Senator Dinniman's complaint. Sunoco challenged that standing, and the case would be heard before the Commonwealth Court in June. In the meantime, the PUC is not able to rule on any decisions related to that construction. Ms. Fuller stated that their group would like to provide a community presentation and/or complete a specific risk assessment for Westtown with the Board's approval. She shared knowledge of several ongoing lawsuits involving pipeline operators and different agencies.

### **Old Business**

### **Public Comment**

- Mr. McFadden summarized to PC the Crebilly Farm Hearing that he attended in Pittsburgh.
- Mr. Pomerantz brought to the PC's attention that there were coyotes reported in the area.

### **Reports**

Mr. Lees summarized his observations of the BOS meeting for 05/06/2019

### **Adjournment (EA/RH) 7-0**

Meeting was adjourned at 8:35 pm.

Next PC Meeting – May 22, 2019, 7:30 pm – Township Building

PC Representative at next Board of Supervisors Meeting: May 20, 2019 – Russ Hatton/Jack Embick

Respectfully submitted,  
William Ethridge, Planning Commission Secretary

**ORDINANCE 2019-03**

**WESTTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF WESTTOWN TOWNSHIP TO MODIFY CHAPTER 170, ZONING, OF THE CODE OF WESTTOWN TOWNSHIP REGARDING SIGNS.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of Westtown Township, as amended, be amended as follows:

**SECTION 1.** Chapter 170, Zoning, Article XVIII, Signs, of the Code is hereby amended in its entirety to read as follows:

Article XVIII. Signs

**§ 170-1800. Applicability**

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

**§ 170-1801. Purpose and Intent**

The purpose of this Part is to develop a comprehensive system of sign regulations to:

- A. Promote the safety of persons and property by providing that signs:
  - 1. Do not create traffic hazards by distracting or confusing motorists, or impairing motorist's ability to see pedestrians, other vehicles, obstacles or to read traffic signs.
  - 2. Do not create a hazard due to collapse, fire, collision, decay or abandonment.
  - 3. Do promote the aesthetic quality, safety, health, and general welfare and the assurance of protection of adequate light and air within the Township by regulation of the posting, displaying, erection, use and maintenance of signs.
- B. Promote the efficient transfer of information through the use of signs and to permit such use, but not necessarily in the most profitable form or format available for such use.
- C. Protect the public welfare and enhance the overall appearance and economic value of the landscape, while preserving the unique natural and historic environment that distinguishes the Township and consistent with Article I, § 27 of the Pennsylvania Constitution.
- D. Set standards and provide uniform controls that permit reasonable use of signs and preserve the character of Westtown Township.
- E. Prohibit the erection of signs in such numbers, sizes, designs, illumination, and locations as

may create a hazard to pedestrians and motorists.

- F. Avoid excessive conflicts from large or multiple signs, so that permitted signs provide information while minimizing clutter, unsightliness, and confusion.
- G. Establish a process for the review and approval of sign permit applications.
- H. Address billboard signs in the C-2 District along Route 202.

### **§ 170-1802. Definitions**

Words and terms used in this ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing, but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

As used in this chapter, "sign" shall mean any permanent or temporary structure or part of a structure, or any device attached, represented, projected or applied by paint or otherwise, or any structure or other surface used to communicate information, a message or advertisement, or to attract the attention of the public to a subject or location. The term "sign" shall include, but not be limited to flat or curved surfaces, all support and/or assembly apparatus, flags, banners, streamers, pennants, insignias and medals with or without words or pictures. Signs on vehicles shall be subject to the provisions of this chapter when the vehicle is owned and located or parked on or in front of a lot under the control of an occupant of the lot.

- A. The following shall not be defined as signs under this Chapter:
  - 1. Any surface not exceeding one (1) square foot in area that is required by a federal, state, county or municipal law or regulation, or by the United States Post Office to identify a property by number, post box number or name(s) of occupants of the property.
  - 2. Flags and insignia of any municipal, state or federal government.
  - 3. Legal notices, identification information, or wayfinding information provided by governmental or legislative authorities.
  - 4. Integral, decorative or architectural features of buildings.
  - 5. Actual produce and merchandise displayed for sale that appear in store windows.
  - 6. Grave markers of all types.
  - 7. Memorial markers.

Sign types and definitions:

**Abandoned Sign:** A sign which has not been used to provide information for a period of at least 180 days.

**Animated Sign:** A sign that incorporates action, motion, or light or color changes through

electrical or mechanical means.

**Awning:** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

**Awning Sign:** Any sign painted on, or applied to, an awning.

**Balloon Sign:** A sign painted on or affixed to a lighter-than-air, gas-filled balloon.

**Banner:** Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

**Beacon Lighting:** Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

**Billboard:** An outdoor sign with a sign area that is between sixty (60) square feet and three hundred (300) square feet.

**Building Frontage:** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

**Canopy:** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

**Canopy Sign:** Any sign that is part of, or attached to a canopy.

**Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are *manual changeable copy signs* and *electronic changeable copy signs*, which include: *message center signs, digital displays, and Tri-Vision Boards*.

**Channel Letter Sign:** A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

**Clearance:** The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

**Digital Display:** The portion of a sign face made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

**Festoon Lighting:** A type of illumination comprised of either: (a) a group of light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

**Flag:** Any sign or image printed or painted on cloth, plastic, canvas, or other like material attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

**Flashing Sign:** A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

**Freestanding Sign:** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of **freestanding signs**:

**Ground Sign:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as *monument sign*)

**Pole Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

**Gas Station Canopy:** A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

**Gas Station Canopy Sign:** Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

**Government Sign:** Any sign constructed and/or installed by a federal, state, county or municipal government or authorized unit or department thereof.

**Illumination:** A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.

**External Illumination:** Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

**Internal Illumination:** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

**Halo Illumination:** A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as *back-lit illumination*)

**Illuminated Sign:** A sign with electrical equipment installed for illumination, either internally



illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

**Incidental Window Sign:** Signs displayed in the window of a commercial, retail or other business establishment, which is no larger than one (1) square foot individually or three (3) square feet in the aggregate.

**Inflatable Sign:** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a flow of air into the device.

**Interactive Sign:** An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

**Limited Duration Sign:** A non-permanent sign that is displayed on private property for more than 30 days, but not longer than one year.

**Manual Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

**Marquee:** A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building.

**Marquee Sign:** Any sign attached to a marquee.

**Mechanical Movement Sign:** A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

**Menu Sign:** A permanent sign not greater than thirty-two (32) square feet located at, on or in the window of a restaurant, or other use serving food, or beverages.

**Message Center Sign:** A type of illuminated, changeable copy sign that consists of electronically changing text located on a lot with a gas station or an athletic field.

**Message Sequencing:** The spreading of one message across more than one sign structure.

**Multi-Tenant Sign:** A freestanding sign located on lot on which a shopping center or complex with multiple tenants is located.

**Mural (or mural sign):** A large picture/image which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

**Neon Sign:** A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

**Nonconforming Sign:** A sign that was legally erected and maintained at the effective date of

this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

**Pennant:** A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

**Permanent Sign:** A sign attached, affixed or painted to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**Portable Sign:** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

**Sandwich Board Sign:** A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top. (Also known as *A-frame sign*)

**Vehicular Sign:** A sign affixed to a vehicle located on the same lot as a business and which sits or is otherwise not incidental to the vehicle's primary purpose.

**Private Drive Sign:** A sign located at an intersection of a street or drive which is not publicly owned and maintained and used only for access by the occupants of the property and their guests.

**Projecting Sign:** A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as *blade sign*)

**Public Right-of-Way:** The area between the outer edge of a paved street, road or highway and the closer of an abutting property line or a line parallel to such outer edge to be measured from the centerline of such street, road or highway to the following distance:

1. Sixty (60) feet for Routes 202 and 3.
2. Forty (40) feet for Routes 926 and 352.
3. Thirty (30) feet for collector streets.
4. Twenty-five (25) feet for a minor street.

**Public Sign:** A sign erected or required by government agencies or utilities.

**Reflective Sign:** A sign containing any material or device which has the effect of intensifying reflected light.

**Revolving Sign:** A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

**Roof Sign:** A building-mounted sign erected upon, against, or over the roof of a building.

**Scoreboard:** A sign contained within an athletic venue.

**Security Sign:** A sign located on a premises on which no trespassing, hunting, and/or soliciting

are permitted. (Also known as *warning sign*)

**Shielded:** The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

**Sign Area:** The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See § 170-1805.C for standards for measuring sign area.

**Sign Face:** The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

**Sign Height:** The vertical dimension of a sign as measured using the standards in § 170-1805.D.

**Sign Supporting Structure:** Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

**Snipe Sign:** A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as *bandit sign*)

**Storefront:** The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment..

**Streamers:** A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series and typically designed to move in the wind.

**Street Frontage:** The side or sides of a lot abutting on a public street or right-of-way.

**Street Pole Banner:** A banner suspended above a public street or right-of-way, sidewalk and/or parking area and attached to a single street pole.

**Temporary Sign:** A non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

**Urban Experiential Displays (UEDs):** An outdoor sign that projects its message in three-dimensional (3-D) space.

**Wall Sign:** A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: *fascia sign*, *parallel wall sign*, or *band sign*)

**Window Sign:** Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside.

## § 170-1803. Prohibited Signs

The following signs are unlawful and prohibited:

- A. Abandoned signs.
- B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.
- C. Mechanical movement signs, including revolving signs.
- D. Pennant strings and streamers, except when located inside a stadium, arena, or temporary fairground during a special event.
- E. Animated signs, Urban Experiential Displays, flashing signs, or signs that scroll or flash text or graphics.
- F. Inflatable devices or balloon signs, with the exception of balloons used in temporary, situations.
- G. Signs which interfere with, imitate, or resemble any public sign, signal, or device within seventy-five (75) feet of a public right-of-way or within 200 feet of a traffic control device, whichever is greater.
- I. Any signs located within a public right-of-way and/or which obscures or interferes with the line of sight at any street intersection or traffic signal, or at any other point of vehicular access to a street.
- J. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign shall be attached to a standpipe or fire escape that creates confusion or interferes with its use and operation.
- K. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- L. Reflective signs or signs containing mirrors, excluding those as approved by the Township or PennDOT for traffic use.
- M. Interactive signs.
- N. Signs incorporating beacon or festoon lighting.
- O. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
- P. Roof signs, or any portion thereof, which extends above the roofline of any building.
- Q. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
- R. Any sign having content that is not subject to the protections of the First Amendment to the United States Constitution or Article I, Section 7 of the Pennsylvania Constitution, including, but not limited to the following:
  - 1. Obscenity/pornography.
  - 2. Fighting words.
  - 3. Incitement to imminent lawless action.

#### **§ 170-1804. Signs Exempt from Permit Requirements**

The following signs shall be allowed without a sign permit and shall not be included in the

determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any. All owners of such signs must still comply with all applicable standards of this chapter, including the responsibility for maintenance of signs in good and safe repair.

- A. Government signs constructed and/or installed by the federal, state, county or municipal government or an agency or department thereof and to include the United States Postal Service.
- B. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.
- C. Address signs - Up to two (2) signs required by the federal, state, county or municipal government or a department or agency thereof, including, but not limited to, the United States Post Office, located on the following uses and conforming with the dimensions set forth below as well as the specifications for street address number posting set forth in §61-5.
  - 1. *Residential uses.* Signs not to exceed one (1) square foot in area.
  - 2. *Non-residential uses.* Signs not to exceed five (5) square feet in area.
- D. Public signs - Signs erected or required by government agencies or utilities, including those located in the public right of way, at railroad crossings, on buildings that have rest rooms, telephones, or similar public convenience available, but not to exceed two (2) square feet.
- E. Private drive signs - One (1) sign per driveway entrance, not to exceed four (4) square feet in area.
- F. Security and warning signs - These limitations shall not apply to the posting of sign on premises where no trespassing, hunting and/or soliciting is permitted.
  - 1. *Residential uses.* Signs not to exceed four (4) square feet in area.
  - 2. *Non-residential uses.* Maximum of one (1) large sign per property, not to exceed five (5) square feet in area. All other posted security and warning signs may not exceed four (4) square feet in area.
- G. Flags:
  - 1. *Location.* Flags and flagpoles shall not be located within any right-of-way. *Height.* Flagpoles shall have a maximum height of thirty (30) feet in all residential districts.
  - 2. *Number.* No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
  - 3. *Size.* Maximum flag size is twenty-four (24) square feet in residential districts.
  - 4. Flags may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
- H. Legal notices.
- I. Permanent architectural features of a building or structure, such as a cornerstone or carving or embossment on a building, provided that the letters are not made of a reflective material nor contrast in color with the building.
- J. Signs within four (4) feet of a crop growing in a field. Such signs shall not exceed four (4) square feet and shall be removed after the field has been harvested.

- K. Incidental signs, including incidental window signs when the total area of any such sign or all signs together does not exceed two (2) square feet.
- L. Street pole banners, located outside public rights-of-way, interior to a campus, institutional or commercial use, provided they comply with the following:
  - 1. *Area.* A maximum area of 12.5 square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.
  - 2. *Height.*
    - a. When the street pole banner's edge is less than eighteen (18) inches from the curb, the lowest edge of the street pole banner shall be at least fourteen (14) feet above the finished grade.
    - b. When the street pole banner's edge is greater than eighteen (18) inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
  - 4. *Location.*
    - a. No street pole banner shall extend beyond the curb line.
    - b. Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.
    - c. Street pole banners shall not interfere with the visibility of traffic signals or signs.
    - d. No street pole banner shall be located on a pole that has traffic or pedestrian control signals.
- M. Temporary signs in accordance with §170-1808 Regulations by Sign Type (Limited Duration, Temporary and Portable Signs).
- N. Any canopy or awning, as defined herein, which does not have any lettering, logos or symbols printed, painted or otherwise affixed thereto.

## **§ 170-1805. General Regulations**

- A. Sign location.
  - 1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with government street signs or signals by virtue of position or color.
  - 2. Except for those classified as exempt under §170-1804, no sign may be located within any public right-of-way and/or occupy a clear sight triangle of seventy-five (75) feet (as measured from the center-line intersections of two streets) shall be provided at all intersections. The minimum clear sight triangle shall be increased to 100 feet if either street is a collector street and to 150 feet if either street is an arterial highway.
  - 3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- B. Sign Materials & Construction: Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the Pennsylvania Uniform Construction Code; and shall be maintained in

safe condition and good repair at all times, consistent with this section, so that all sign information is clearly legible.

#### C. Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
3. Signs may be double-sided.
  - a. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than forty-five (45) degrees, and the two faces are not more than eighteen (18) inches apart.
  - b. Where the faces are not equal in size, but the interior angle formed by the faces is less than forty-five (45) degrees and the two faces are not more than eighteen (18) inches apart, the larger sign face shall be used as the basis for calculating sign area.
  - c. When the interior angle formed by the faces is greater than forty-five (45) degrees, or the faces are greater than eighteen (18) inches apart, all sides of such sign shall be considered in calculating the sign area.
4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
6. The permitted maximum area for all signs is determined by the sign type and the use of the property where the sign is located.

#### D. Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and type and the use of the property where the sign is located.



- E. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
- F. Sign Illumination.
1. Signs may be illuminated, unless otherwise specified herein, consistent with the general standards for outdoor lighting as outlined in §170-1514 and those listed below:
    - a. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare which is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
    - b. *Hours of Operation:*
      - i. Signs on non-residential properties may be illuminated from 6:00 a.m. prevailing time until 11:00 p.m. prevailing time, or ½ hour past the close of business of the facility located on the same lot as the sign, whichever is later.
      - ii. Signs shall provide an automatic timer to comply with the intent of this Section.
      - iii. The above hours of operation standards shall not apply to a use operating twenty-four (24) hours a day.
    - c. *Brightness:* Message center signs and digital displays are subject to the following brightness limits:
      - i. The illumination of the sign shall be set so as not to be more than 0.3 foot candles above ambient lighting conditions, measured using a foot candle meter at seventy-five (75) feet perpendicular to the sign's display
      - ii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set herein.
    - d. *Message Duration:* The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign shall be static and nonanimated and shall remain fixed for a minimum of thirty (30) seconds.
    - e. *Message Transition:* The length of time when a message is transitioned on a message center sign, digital display, or Tri-Vision Board sign shall be accomplished in one (1) second or less with all moving parts or illumination changing simultaneously and in unison.
    - f. *Default Design:* Any message center sign, digital display, or Tri-Vision Board shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
  2. Types of Illumination: Where permitted, illumination may be:
    - a. *External:* Externally illuminated signs, where permitted, are subject to the following regulations:
      - i. The source of the light must be concealed by translucent covers.



- ii. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
  - b. *Internal:* Internally illuminated signs, where permitted, are subject to the following regulations:
    - i. Internal illumination, including neon lighting, must be static in intensity and color.
    - ii. Message center signs are permitted in accordance with the regulations contained in §170-1805.F.3.
    - iii. Digital displays are permitted in accordance with the regulations contained in §170-1805.F.4.
- 3. Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this Section.
  - a. *Sign Type:* Message center signs are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations established in §170-1806 and §170-1807.
  - b. *Height:* A message center sign shall have the same height limits as other permitted signs of the same type and location.
  - c. *Area:*
    - i. When used other than as a billboard, message center signs shall not exceed fifty (50) percent of the sign area for any one sign, and shall not exceed more than thirty (30) percent of the total area for all signs permitted on a property.
    - ii. When used as billboard, message center signs may be used for the full permitted sign area.
  - d. *Maximum Number:* Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
  - e. *Message Display:*
    - i. No message center sign may contain text which flashes, pulsates, moves, or scrolls.
    - ii. The transition of a message center sign must take place instantly (*e.g.*, no fade-out or fade-in).
    - iii. *Default Design:* The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
  - f. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to §170-1815.
  - g. The addition of any message center sign to a nonconforming sign is prohibited.
- 4. Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.

- a. *Sign Type*: Digital displays are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations established in §170-1806 and §170-1807.
- b. *Height*: A digital display shall have the same height limits as for other permitted signs of the same type and location.
- c. *Area*:
  - i. When used other than as a billboard, digital displays shall not exceed more than thirty (30) percent of the total sign area permitted on the site.
  - ii. When used as a billboard, digital displays may be used for the full permitted sign area.
- d. *Maximum Number per Property*: Where permitted, one (1) digital display sign is permitted per property
- e. *Message Display*:
  - i. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited.
  - ii. One message/display may be brighter than another, but each individual message/display must be static in intensity and otherwise compliant with §170-1805.F(1)(c).
  - iii. The content of a digital display must transition by changing instantly, with no transition graphics (*e.g.*, no fade-out or fade-in).
  - iv. *Default Design*: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
- f. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to §170-1815.
- g. The addition of any digital display to a nonconforming sign is prohibited.<sup>5</sup>
  - Electrical Standards.
  - a. Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.
  - b. All work shall be completed in full compliance with the Westtown Township Electrical Code as set forth in the Pennsylvania Uniform Construction Code.
  - c. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
  - d. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Westtown Township as a condition precedent to the issuance of a sign permit.

6. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

## **§ 170-1806. Regulations by Sign Type: Generally**

### **A. Wall Signs.**

1. No portion of a wall sign shall be mounted less than ten (10) feet above the finished grade or extend out more than eight (8) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the ten-foot height requirement need not be met.
2. More than one sign shall be permitted per wall, except that the total area of all signs on one wall shall not exceed ten percent of the façade.
3. No wall sign shall extend above the top of the wall upon which it is mounted or beyond the edges of same.

### **B. Canopy or Awning Signs.**

1. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
4. Sign Placement.
  - a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
  - b. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
5. Sign Height.
  - a. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
6. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
7. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

### **C. Projecting Signs.**

1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
2. The outermost portion of a projecting sign shall not project into any public right-of-way.
3. Sign Height. The lowest edge of a projecting sign shall be at least ten (10) feet above the finished grade and shall not extend above the top of the wall upon which it is

mounted.

#### D. Window Signs

1. Incidental window signs, shall be excluded from area calculations for window signs.
2. Multiple window signs shall be permitted per building, provided that all window signs at any one time do not exceed twenty-five (25) percent of the total glass area on the side of the building where they are placed. For grocery stores, food markets, and pharmacies, the total glass area covered by window signs shall not exceed thirty-five (35) percent.
3. Window signs may be internally lit when located on a lot within a commercial, multi-use or planned office campus zoning district.

#### E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
3. Sign Height
  - a. No portion of a marquee sign shall extend vertically above the eave line.
  - b. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

#### F. Freestanding Signs

1. On any tract, the total number of freestanding signs shall not exceed one per street frontage, regardless of location.
2. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
3. Sign Height: Unless otherwise specifically allowed, height standards for freestanding signs are as follows:
  - a. Ground signs shall have a maximum height of 3.5 feet, except for those located along Route 202 or Route 3, which shall have a maximum height of 4.5 feet.
  - b. Pole signs shall have a maximum height of fifteen (15) feet. The minimum distance between the ground surface and the bottom of the sign face shall be four (4) feet.
4. Sign Placement.
  - a. All freestanding signs shall be set back five (5) feet from the right-of-way, except for government signs. Where compliance with this standard would nonetheless create an obstruction of view, further setback may be required.
  - b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.

- c. All freestanding signs shall be located no closer to any adjacent residential lot line, public park, church, school, or public playground than the minimum setback or separation distance required for any other adjacent structure or building, as regulated by this chapter.

G. Manual Changeable Copy Signs: Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

**§ 170-1807. Regulations by Sign Type: Billboards.**

A. Locations Permitted.

1. Billboard signs are permitted in the following location as a conditional use:

- a. C-2, Highway Commercial District

B. Sign Size: A billboard sign is subject to the following size restrictions according to the posted speed limit of the road which the billboard sign faces.

	Posted Speed Limit (MPH)				
	≤35	36 -45	46-55	56-65	Limited Access
Maximum Sign Area (square feet)	60	100	150	300	300

C. Height and Location of Sign.

- 1. The height of a billboard sign shall be measured from the average grade based on the area found within a fifty-foot radius of the outer limit of the sign structure.
- 2. The lowest edge of a billboard sign shall be at least seven (7) feet above the finished grade.
- 3. Billboard signs shall have a maximum height of twenty-four (24) feet.

D. Spacing: Billboard signs shall be:

- 1. Set back a minimum of five (5) feet from the ultimate street right-of-way.
- 2. Set back a minimum of forty (40) feet from any abutting lot.
- 3. Located no closer than fifty (50) feet from any building, structure, or non-billboard sign located on the same property.
- 4. Located no closer than five hundred (500) feet from any other billboard sign on either side of the road measured linearly. Such separation distance shall be increased, where as needed, to ensure that no more than one billboard sign shall be visible to a driver at any one time.
- 5. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.
- 6. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines and set back a minimum of twenty-four (24) feet from any easement.
- 7. Not located on a bridge.

- E. Number of Signs per Lot: There shall be no more than one billboard sign per lot. Vertically or horizontally stacked signs shall not be permitted.
- F. Double-Sided Billboard Signs: Signs may be double-faced, provided that the two faces are the same size and are positioned as mirror images that are parallel and not offset from each other in any direction.
- G. Message Sequencing: Message sequencing across more than one sign is prohibited.
- H. Construction and Maintenance.
  - 1. All plans for billboard signs shall be certified by a licensed engineer registered in Pennsylvania.
  - 2. All billboard signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboard signs shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.
  - 3. The rear face of a single-face, billboard sign shall be painted and maintained with a single neutral color as approved by Westtown Township.
  - 4. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Pennsylvania and shall provide to Westtown Township a certificate certifying that the billboard is structurally sound.
  - 5. All maintenance, cleaning and repair, including repair of torn or worn advertising copy and removal of graffiti shall be performed promptly. In the event the Township notifies the owner or lessee of any damage, vandalism, or graffiti on the billboard sign, the owner or lessee shall repair or correct the problem within forty-eight (48) hours of such notification. If repairs and corrections are not timely, the Township shall have the right, but not the obligation, to make repairs or corrections and be reimbursed the cost thereof by the owner or lessee.
  - 6. A billboard sign shall be properly and adequately secured to prevent unauthorized access.
  - 7. A bond or other security acceptable to the Township, in the form and amount satisfactory to the Township, shall be posted with the Township to ensure that the billboard sign will be properly removed after the termination of use for a period of one (1) year.
- I. Identification of Sign Owner: All billboard signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.
- J. Landscaping and Screening Requirements.
  - 1. Landscaping shall be provided at the base of all billboard signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Section.
  - 2. Trees having a breast height diameter (“BHD”) greater than four (4) inches, which are removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species with a BHD of no less than three (3) inches.

3. Billboard signs shall be screened from any abutting property used or zoned for residential use. Such screening shall consist of evergreen trees of at least fifteen (15) feet in height at the time of planting that form a continuous visual buffer along or near the property line abutting the residential use or lot.
  4. If at the time of planting the evergreens do not provide for adequate screening, a temporary, non-vegetative screen may be required at the discretion and approval of the Township. This screening shall not exceed the height of the existing sign and shall be removed at the expense of the sign owner or lessee owner at such time the evergreens provide for adequate screening as determined by the Township.
- K. Additional Regulations. All billboard signs shall comply with any and all applicable state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more stringent regulation shall apply.
- L. Application/Plan Requirements. Plans submitted for billboard signs shall show the following:
1. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way.
  2. The location and species of existing trees.
  3. The distance to the nearest existing billboard sign.
  4. The distance to the nearest right-of-way, property line, building, structure, non-billboard sign, billboard sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
  5. Site plan containing all of the applicable requirements set forth in the Westtown Township zoning code, as amended.
  6. Certification under the seal by a licensed engineer that the billboard sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
- M. Illumination and Changeable Copy of Billboard Signs. Lighting shall comply with the Illuminating Engineering Society of North America's (IESNA) recommended practices and criteria in the IESNA Lighting Handbook, including but not limited to criteria for full-cutoff fixtures.
1. Billboard signs may incorporate manual changeable copy signs.
  2. Billboard signs may be illuminated, provided that:
    - a. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the billboard sign and away from adjoining properties.
    - b. Light sources are not visible from any street or adjoining properties.
  3. The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.
    - a. Message center sign
    - b. Digital display
    - c. External illumination



d. Internal illumination

4. Billboard signs may incorporate Tri-Vision Boards.

- a. The length of time each message of the Tri-Vision Board may be displayed before changing is based upon the visibility and posted speed limit unique to individual signs and adjacent road conditions. The message duration for Tri-Vision Boards shall be calculated using the method described in §170-1805.F.1.f. Message Duration.

N. Safety. In applying for conditional use, the applicant bears the burden of proof to establish that the proposed billboard sign will not create a public health or safety hazard in the manner and location that it is proposed and in the manner by which it is to be operated.

**§ 170-1808. Regulations by Sign Type: Limited Duration, Temporary and Portable Signs**

A. Limited duration, temporary and portable signs, as defined in this Section, located on private property are subject to the regulations set forth below. Limited duration, temporary and portable signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to signs in both commercial and non-commercial zoning districts.

B. Size and Number.

1. Non-Residential Zones:

- a. Large limited duration and temporary signs: One (1) large sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large limited duration sign may be permitted so long as there is minimum spacing of 200 feet between the two (2) large limited duration signs.

i. Type:

- a. Freestanding sign  
b. Window sign  
c. Wall sign  
d. Banner sign

ii. Area:

- a. Each large sign shall have a maximum area of twenty-four (24) square feet.  
b. Each large banner shall have a maximum area of thirty-two (32) square feet.

iii. Height:

- a. Signs that are freestanding shall have a maximum height of eight (8) feet.  
b. Banners shall hang at a height no greater than twenty-four (24) feet when attached to an existing structure.

- b. Small limited duration and temporary signs: In addition to the large sign(s)



outlined above, one (1) small sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both sets of small temporary signs.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign

ii. Area: Each small sign shall have a maximum area of six (6) square feet

iii. Height: Small signs that are freestanding shall have a maximum height of six (6) feet.

c. Portable signs.

i. Hours of display.

- a. Signs shall not be displayed on any premises before 6:00 a.m. prevailing time and shall be removed each day at or before 10:00 p.m. prevailing time. However, all portable signs must be taken in during hours of non-operation of the business located on the property.
- b. All portable signs must be taken in during inclement weather.

ii. Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

- a. Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.
- b. Area: Each sign shall have a maximum area of seven (7) square feet per sign face.
- c. Height: Signs shall have a maximum height of three and one-half (3.5) feet.

iii. Sign placement.

- a. If a sign is located on a public or private sidewalk, a minimum of thirty-six (36) inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
- b. The sign must be located on the premises, and within twelve (12) feet of the primary public entrance, of the establishment placing the sign. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.

- c. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

iv. Manual Changeable Copy Signs.

- a. Manual changeable copy signs are permitted when integrated into a sandwich board sign.

v. Vehicular Signs: Vehicular signs are subject to the regulations found in Chapter 162 of the Westtown Township Code for Vehicles and Traffic.

2. Residential Zones:

- a. Large limited duration and temporary signs: One (1) large sign is permitted per property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign
- d. Banner sign

ii. Area:

- a. Each large sign shall have a maximum area of sixteen (16) square feet.
- b. Each large banner shall have a maximum area of thirty-two (32) square feet.

iii. Height:

- a. Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.
- b. Banners shall hang at a height no greater than twenty-four (24) feet when attached to an existing structure.

- b. Small limited duration and temporary signs: One (1) small sign is permitted per property.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign

ii. Area: Each small sign shall have a maximum area of six (6) square feet

iii. Height: Small signs that are freestanding shall have a maximum height of six (6) feet.

C. Permit Requirements.

1. Limited duration signs

- a. A permit for a limited duration sign is issued for one (1) calendar year effective January 1<sup>st</sup> and may be renewed annually.
- b. An applicant may request up to two (2) permits per address, but is subject to the size and number requirements set forth in this section.
- c. An application for a limited duration sign permit must include:
  - i. A description of the sign indicating the number, size, shape, and dimensions of the sign, and the expected length of time the sign will be displayed;
  - ii. A schematic drawing of the site showing the proposed location of the sign in relation to nearby building and streets;
  - iii. The number of signs on the site.

## 2. Temporary signs

- a. Temporary signs are exempt from the standard permit requirements, but the date of erection of a temporary sign must be written in indelible ink on the support for the sign. Signs without a date of erection or legible date of erection placed on the sign support shall be removed by the Township or the owner of the sign.
- b. Temporary signs may be displayed up to a maximum of ninety (90) consecutive days, two (2) times per year.
- c. Westtown Township or the property owner where the sign is placed may confiscate signs installed in violation of this chapter. Neither Westtown Township nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

## D. Installation and Maintenance.

- 1. All signs must be installed such that in the opinion of the Westtown Township zoning officer, they do not create a safety hazard.
- 2. All signs must be made of durable materials and shall be well-maintained.
- 3. Signs that are frayed, torn, broken, or are otherwise in a failing physical condition will be deemed unmaintained and required to be removed.

E. Illumination: Illumination of any limited duration, temporary or portable sign is prohibited.

## **§ 170-1809. Signs Located on Lots with an Agricultural Use**

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties with active agricultural uses, subject to the conditions specified here.

- A. Any limited duration and temporary signs as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).
- B. Freestanding signs shall be permitted subject to the following regulations:
  - 1. Number: One (1) sign at each street access, up to a maximum of two (2) signs per lot.

2. Area: Each sign shall have a maximum area of fifteen (15) square feet per sign face.
3. Height: Signs shall have a maximum height of six (6) feet unless located along Route 926 or Route 352 where the height can be increased to eight (8) feet.
4. Illumination: These signs shall be non-illuminated.

C. Window signs for uses customarily associated with agricultural uses shall be permitted subject to the following regulations.

1. Area: A maximum of fifteen (15) percent of the total window area of any single building frontage may be used for signs.
2. Illumination: Illumination of these signs is prohibited.

**§ 170-1810. Signs Located on Lots with Parks and Open Space**

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties serving as parks and open space, subject to the conditions specified here.

A. Any limited duration and temporary signs as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).

B. Freestanding signs shall be permitted subject to the following regulations:

1. Number: One (1) sign per street access to a park or open space facility.
2. Area: Each sign shall have a maximum area of twenty-four (24) square feet per sign face.
3. Height: Signs shall have a maximum height of ten (10) feet.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

C. Signs located on the interior of the site, the sign face of which is not larger than one and one half (1.5) square feet are exempt from permit requirements.

D. Signs for recreation and sporting facilities shall be allowed provided that the following criteria is met:

1. A maximum of twenty (20) signs on the interior walls or fence of an open stadium or field shall be permitted and no sign shall be greater than twenty-four (24) square feet in size and shall be non-illuminated and not visible from any public rights-of-way.
2. One (1) freestanding scoreboard, not to exceed 200 square feet in area and twenty (20) feet in height, is permitted per playing field.
  - a. The face of all scoreboards, including any attached signs and panels, shall be permanently oriented toward the recreation and spectator area.
  - c. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.

**§ 170-1811. Signs Located on Lots with a Residential Use**

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties utilized for residential purposes, subject to the conditions specified here.

A. Any limited duration sign as defined and regulated in §170-1808, Regulations by Sign Type

(Limited Duration, Temporary and Portable Signs).

- B. Signs on a lot on which a major home occupation is located shall comply with §170-1605.G(2)(m).
- D. Freestanding signs on a lot on which residential developments or apartment buildings containing more than ten units are located shall be permitted subject to the following regulations:
  - 1. Number: A maximum of two (2) signs are permitted at primary entrance(s) utilized to access the development.
  - 2. Area: Freestanding sign, fifteen (15) square feet; projecting or wall sign, ten (10) square feet.
  - 3. Height: Freestanding sign, three and one-half (3.5) feet; projecting or wall sign, twelve (12) feet.
  - 4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
  - 5. For signs proposed for a location under the ownership of a private land owner, a deed of easement or an affidavit from the property owner where the sign is proposed shall be required as part of any sign permit application.
  - 6. A maintenance agreement shall be submitted as part of the sign permit application that states the responsible party(s) for the on-going maintenance of the sign.

**§ 170-1812. Signs Located on Lots with an Institutional Use**

In addition to the exempt signs described in §170-1804 Exempt Signs, the following numbers and types of signs may be erected for Institutional uses, including schools, religious institutions, municipal buildings, hospitals, clubs, or permitted uses of a similar nature subject to the conditions specified here.

- A. Any limited duration, temporary or portable sign as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs), subject to the following regulations:
  - 1. One (1) large sign with a maximum area of twenty-four (24) square feet shall be permitted on a lot with a principal educational or school use at any time.
  - 2. No more than four (4) small signs with a maximum area of six (6) square feet shall be permitted on a lot with a principal educational or school use at any time.
  - 3. Small signs on a lot with a principal educational or school use shall be no closer than fifty (50) feet to another small sign measured as a straight-line distance between the closest edges of each sign.
- B. The total area of all wall, awning/canopy, freestanding, and projecting signs shall not exceed an area equal to two (2) square feet for every one (1) linear foot of building wall parallel to, and facing, any particular street. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage.
- C. Signs on a lot with a park or open space use in an institutional district shall comply with §170-1810.

D. Freestanding signs on a lot with an institutional use, other than parks and open space, shall be permitted subject to the following regulations:

1. Number: One (1) ground sign is permitted per street upon which the property has direct frontage.
2. Area: Ground sign, twenty-four (24) square feet except on lots with a principal educational or school use,  
which shall have a maximum area of fifty (50) square feet.
3. Height: Ground sign, six (6) feet except for lots with a principal educational or school use, which shall  
have a maximum height of fifteen (15) feet.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
  - a. Internal illumination
  - b. External Illumination
  - c. Message center sign
  - d. Digital display on lots with a principal educational or school use

E. Freestanding signs located on the interior of the site at least twenty-five (25) feet from the nearest property boundary line are exempt from permit requirements, subject to the following:

1. Area: Each sign shall have a maximum area of ten (10) square feet
2. Height: Each sign shall have a maximum height of six (6) feet
3. Illumination: Illumination of these signs shall be prohibited.

F. Wall signs shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage, up to a maximum of two (2) signs. Where an educational use has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
2. Area: The total area for all wall signs are subject to the regulations in §170-1806.A.2.
3. Height: Signs shall have a maximum height equal to the eave line of the structure where it is placed.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
  - a. Internal illumination
  - b. External illumination, lit from above
  - c. Halo illumination or back-lit letters

G. Awning or canopy signs shall be permitted subject to the following regulations.

1. Height: Signs shall have a maximum height equal to the eave line.
2. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. External illumination, lit from above

H. Projecting signs on lots with an educational use shall be permitted subject to the following regulations.

1. Number: One (1) sign per building entrance.
2. Area: Each sign shall have a maximum area of twenty (20) square feet per sign face.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. External illumination, lit from above

### **§ 170-1813. Signs Located on Lots with Commercial and Industrial Uses**

Except as noted below, the following numbers and types of signs may be erected on any lot with a principal commercial or industrial use subject to the conditions specified here:

- A. Any limited duration, temporary or portable sign as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).
- B. The total area of all wall, awning/canopy, freestanding, and projecting signs on lots with non-residential uses shall not exceed an area equal to two (2) square feet for every one (1) linear foot of building wall parallel to, and facing, any particular street. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage.
- C. Wall signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.
  1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
  2. Area: The total area for all wall signs are subject to the regulations in §170-1806.A.2.
  3. Height: Signs shall have a maximum height equal to the eave line of the structure where it is placed.
  4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
    - a. Internal illumination
    - b. External illumination, lit from above
    - c. Halo illumination or back-lit letters
    - d. Neon lighting
- D. Awning or canopy signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.
  1. Height: Signs shall have a maximum height equal to the eave line.
  2. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
    - a. External illumination, lit from above



E. Projecting signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
2. Area: Each sign shall have a maximum area of twenty (20) square feet per sign face.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
  - a. External illumination, lit from above
  - b. Neon lighting

F. Window signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Area: A maximum of twenty-five (25) percent of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of thirty-five (35) percent of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.

G. Marquee signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) marquee sign per building.
2. Area: The total area of signs on a single marquee structure shall not exceed 200 square feet in area.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.
  - a. Internal illumination
  - b. Message center sign
  - c. Digital display

H. In addition to building signs, freestanding signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
  - a. For permitted gas stations, one (1) additional freestanding sign per street frontage shall be permitted, up to two (2) additional signs per property.
  - b. For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted next to the drive-through lane only.
2. Area: Each sign shall have a maximum area of fifty (50) square feet plus an additional ten (10) square feet per tenant up to a maximum of 100 square feet
3. Height: Signs shall have a maximum height of fifteen (15) feet.



4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. Internal illumination

b. Message center sign

c. Digital display

I. The following additional requirements shall apply to signs located in the Planned Office Campus (POC) District.

1. Area: Ground sign, twenty-four (24) square feet; wall sign, forty (40) square feet.

2. Height: Ground sign, three and one-half (3.5) feet.

### **§ 170-1814. Removal of Unsafe, Unlawful, or Abandoned Signs**

A. Unsafe or Unlawful Signs.

1. Whenever a sign becomes structurally unsafe and/or poses a potential threat to the safety of a building or premises or endangers the public safety, and such condition becomes known to the Zoning Officer, he/she shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe within five (5) days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.

2. Where in the opinion of the Zoning Officer upon careful inspection by he/she and the Township building official, any sign as described above constitutes an imminent hazard to public safety necessitating immediate action, he/she shall be empowered to take those measures he/she deems appropriate to secure, stabilize, or remove such sign without the written notice to the owner of the premises otherwise required by that section. Any expense directly incurred to secure, stabilize, or remove such sign shall be charged to the owner of the property. Where the owner fails to pay, Westtown Township may file a lien upon the property on which such sign was situated in the amount of the costs incurred by the Township to secure, stabilize, or remove the sign.

3. Failure of the Zoning Officer to remove, or require the removal of, any unsafe sign as described in this section shall create no liability upon, nor any cause of action against, the Zoning Officer or any other Township official or employee for damage or injury that may occur as a result of such sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, structural trim, and all associated electrical components when applicable.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a 180 days Westtown Township may remove such sign after the Zoning Officer gives written notice to the sign owner. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, Westtown Township may file a lien upon the property for the purpose of recovering all reasonable costs, including reasonable attorney fees

incurred by the Township, associated with the removal of the sign.

### **§ 170-1815. Permits & Applications**

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within Westtown Township without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §170-1804. Exempt Signs.
- B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to Westtown Township:
  - 1. Name of organization and location.
  - 2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
  - 3. Contact person and contact information.
  - 4. Description of the activities occurring on the site where the sign will be installed.
  - 5. Description of any existing signage that will remain on the site.
  - 6. Identification of the type of sign(s) to be erected by the applicant.
  - 7. Site plan depicting the locations of proposed signage and existing remaining signage.
  - 8. Two copies of a plan drawn to scale depicting:
    - a. Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.
    - b. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
    - c. Building elevations, existing and proposed facades, parapet walls, eave line and the location and size of all proposed and existing permanent signage.
    - d. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
  - 9. A permit fee, to be established from time to time by Resolution of Westtown Township, shall be paid.
- C. Westtown Township shall have fifteen (15) business days from the receipt of a complete application to review the application.
- D. A permit shall be issued on or before the end of the fifteen (15) business day review period if the application for a new sign or renewal complies with the regulations contained herein.
- E. If Westtown Township does not issue a determination within the fifteen (15) business day period, the sign permit is deemed approved.
- F. An application for a sign permit may be denied by Westtown Township within the fifteen (15) business day review period if the application fails to comply with the standards contained herein. Westtown Township shall inform the applicant of the reasons for denying the application for sign permit by certified mail.
- G. Upon denial of an application for a sign permit, the applicant has thirty (30) business days to revise and resubmit the application for review by Westtown Township. In the alternative, the applicant may also appeal the decision of Westtown Township to the Zoning Hearing Board

within the thirty (30) business day time period.

- H. With the exception of lighting permits for digital signs, these permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (*i.e.*, repairs that costs more than fifty (50) percent of the replacement cost of the damaged sign); the organization must apply for a new sign permit, and pay an additional fee, if required.

### **§ 170-1816. Nonconforming Signs**

- A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:
1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
  2. If more than fifty (50) percent of the sign area is damaged, it shall be repaired to conform to this Ordinance.
  4. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
  5. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by Westtown Township.
- C. To determine the legal status of existing signs in each of the cases listed in §170-1816.B., the applicant shall submit the following information to the Westtown Township Zoning Officer:
1. Type(s) of existing sign(s) located on the property.
  2. The area and height of all signs.
  3. For freestanding signs, the distance between the curb line or shoulder and the nearest portion of the sign.
  4. Type of sign illumination.
  5. The material of which the sign is constructed.
  6. The building frontage.
  7. If a Billboard sign, the applicant shall also submit the plan requirements listed in §170-1807.M.
- D. Prior to the events listed in §170-1816.B., nonconforming signs may be repainted or repaired up to fifty (50) percent of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.
- E. Nonconforming signs shall be exempt from the provisions of §170-1816.B, under the following conditions:
1. The nonconforming sign possesses documented historic value.

2. The nonconforming sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Pennsylvania Historical and Museum Commission, or local historical commission.
  3. When a nonconforming sign is required to be moved because of public right of way improvements.
- F. All nonconforming temporary signs, portable signs, and banners must be permanently removed within ninety (90) days of the effective date of this Article, unless specific approval is granted as provided for herein.

**§ 170-1817. Signs Located on a Lot with Legally Nonconforming Uses.**

- A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Article was adopted.

**§ 170-1818. Substitution Clause**

Notwithstanding any provision of this chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

**§ 170-1819. Violations**

The placement of a sign that requires a sign permit without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as prescribed within Article XXIII of the Zoning Ordinance for Violation Remedies; Fees; Liability.

**SECTION 2.** If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION 4.** This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

WESTTOWN TOWNSHIP

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Scott E. Yaw, Chair

\_\_\_\_\_  
Mike T. Di Domenico, Vice Chair

\_\_\_\_\_  
Carol R. De Wolf, Police Commissioner

**ORDINANCE 2019-04**

**WESTTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF WESTTOWN TOWNSHIP TO ADD NEW CHAPTER 47, ALCOHOLIC BEVERAGES, ARTICLE I, INTERMUNICIPAL LIQUOR LICENSE TRANSFERS.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that the Code of Westtown Township, as amended, be amended to add new Chapter 47, Alcoholic Beverages, Article I, Intermunicipal Liquor License Transfers, as follows:

**SECTION 1.** The Code of Westtown Township is amended to add new Chapter 47, Alcoholic Beverages, Article I, Intermunicipal Liquor License Transfers, to read as follows:

**Chapter 47 - Alcoholic Beverages**

**Article I - Intermunicipal Liquor License Transfers**

**§47-1. Intent.**

In accordance with Act 141 of 2000, which is codified in 47 P.S. § 4-461 of the Pennsylvania Liquor Code, the intermunicipal transfer of a liquor license into Westtown Township and issuance of a license for economic development pursuant to the Liquor Code must first be approved by the Board of Supervisors when the total number of existing restaurant liquor licenses and eating place retail dispenser licenses exceeds one license per 3,000 inhabitants. With the passage of the voter referendum in 2018 permitting the sale of liquor in the Township, the Board of Supervisors now desires to establish a procedure for the administration of applications for the intermunicipal transfer of a liquor license into the Township and issuance of a license for economic development. All requests or applications for intermunicipal transfer of a liquor license and issuance of a license for economic development pursuant to the Liquor Code shall comply with the provisions in this chapter.

**§47-2. Application for approval of license transfer.**

Any person or entity seeking approval for the intermunicipal transfer of a liquor license or issuance of a license for economic development under the Liquor Code must first submit a written application to the Township. The application must provide the following information:

- A. The applicant's full name, address, telephone number, facsimile number and e-mail address;
- B. The name of the applicant's counsel and his or her address, telephone number, facsimile number and e-mail address;
- C. The business name and address of the establishment where the liquor license is proposed to be located within Westtown Township;
- D. The type of operation proposed: a restaurant (R license) serving malt and brewed beverages and other forms of alcohol, or an eating establishment (E license) serving only malt and brewed beverages;
- E. The name and address of the transferor licensee;
- F. The license number and LID number of the license which is proposed to be transferred into Westtown Township;
- G. Information about the following operating details:
  - (1) Amusement permit: Yes or no; if yes, type of entertainment.
  - (2) Extended hours food permit: Yes or no.
  - (3) Sunday sales permit: Yes or no.
  - (4) Days of operation.
  - (5) Hours of operation.
  - (6) Number of employees: total and on the greatest shift.
  - (7) Projected seating capacity:
    - (a) At bar.
    - (b) At tables/chairs.
  - (8) Characteristic of neighborhood (within 500 feet):
    - (a) Percent residential.
    - (b) Percent commercial.
    - (c) Percent rural.
  - (9) Restrictive institutions including churches, schools, hospitals, public parks with playground equipment for children, and charitable institutions (within 300 feet): Yes or no.
  - (10) Other Pennsylvania Liquor Control Board licenses (existing within 200 feet): Yes or no.
  - (11) Type of Menu:
    - (a) Breakfast, lunch and/or dinner.
    - (b) Meal price range.

- H. The names, addresses and telephone numbers of all parties who have or propose to have a financial interest or ownership in the business where the proposed liquor license will be located;
- I. A detailed description of the proposed establishment where the liquor license will be used;
- J. The owner of the property where the liquor license is proposed to be located;
- K. The names, addresses and telephone numbers of all property owners within 500 feet of the proposed license location;
- L. The names, addresses and telephone numbers of all schools, churches and establishments that have a liquor license which are within 500 feet of the proposed license location;
- M. A copy of the completed application submitted to the Pennsylvania Liquor Control Board for the transfer of a liquor license, including the applicant's criminal history and list of past Liquor Code violations; and
- N. The names and location of other businesses with liquor licenses in which the applicant has an ownership interest.

**§47-3. Application fees.**

In order to reimburse the Township for the expenses incurred in the administration of the application and conduct of the hearing for the transfer of liquor licenses into the Township, the applicant must submit with the application a fee in the amount specified by resolution of the Board of Supervisors, which fee may be amended from time to time. All fees must accompany the application and are nonrefundable. In addition to the application fee, if the applicant requests a stenographic record of the hearing, all costs for providing a stenographic record, including appearance fees, will be the responsibility of the applicant.

**§47-4. Advertisement and posting.**

Upon receipt of a complete application and the filing fee, the Township will post the property identified as the location of the proposed liquor license in a conspicuous location to notify potentially interested citizens. The Township shall also publish a notice one time in a newspaper of general circulation in the Township at least seven days prior to the hearing. The notice that is posted and published in the newspaper shall include a summary description of the application and the date, time and place of the public hearing to be conducted by the Board of Supervisors.

**§47-5. Public hearing.**

The Board of Supervisors will conduct a public hearing to consider the application. At the hearing, the Board of Supervisors shall receive comments and recommendations of interested



individuals within the Township concerning the application for transfer of the liquor license. The hearing shall be transcribed.

**§47-6. Board of Supervisors action.**

- A. In deciding whether the proposed transfer application would adversely affect the welfare, health, peace and morals of Westtown Township or its inhabitants, the Board of Supervisors may consider, in addition to the information in § \_\_-2 above, any or all of the following:
- 1) A report and recommendation from the Township Manager and the Westtown-East Goshen Chief of Police;
  - 2) The population of Westtown Township, the number of students and the number of residents under the age of 21;
  - 3) The total number of existing liquor licenses in the Township and whether the total number of existing liquor licenses exceeds one license per 3,000 inhabitants of the Township (the quota established by the Liquor Control Board);
  - 4) The location of the closest existing licensed establishment (all types of licenses), school, church, or adult-oriented establishment (as defined in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended.);
  - 5) Concerns expressed by area residents, institutions, businesses and public interest organizations;
  - 6) Information about other businesses in which the applicant has some interest or ownership; and
  - 7) Any other issue or fact that may adversely affect the welfare, health, peace and morals of Westtown Township or its inhabitants.
- B. Within the time limits set forth in the Liquor Code, the Board of Supervisors shall vote to deny, approve, or approve with conditions the request for an intermunicipal transfer of liquor license into the Township. The decision of the Board of Supervisors shall be set forth in a written resolution. Any approval will be limited to the individual applicant, the proposed transfer location and the type of establishment proposed. Any proposed change in ownership, location or type of establishment will require a new application and approval of the Board of Supervisors.

**SECTION 2.** If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3.** All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

**SECTION 4.** This amendment shall take effect and be in full force and effect 5 days from and after the date of its final passage and adoption.

**ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**WESTTOWN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Scott E. Yaw, Chair

\_\_\_\_\_  
Michael T. Di Domenico, Vice Chair

\_\_\_\_\_  
Carol R. DeWolf, Police Commissioner

Attest:

\_\_\_\_\_  
Robert R. Pingar, Secretary

# Celebrate National EMS Week Community Open House

May 22, 2019 5:30 pm - 8:00 pm



## LOCATION:

Good Fellowship Ambulance  
600 Montgomery Avenue  
West Chester, PA 19380  
610-431-3132

[www.goodfellowship.org](http://www.goodfellowship.org)

### Agencies Participating:

American Red Cross  
CCAvoid  
Birl Girl Facepainting  
Chester County Hospital-Penn  
Medicine  
Chester County Health  
Department  
Chester County Sheriff's  
Office  
Crozer-Keystone Health  
System  
Department of Emergency  
Services  
Fame Fire Company  
1st West Chester Fire  
Company  
Francis Hall Insurance  
Services  
Good Will Fire Company  
Goshen Fire Company  
JEFFStat Medical Transport  
Kohl's Mobile Safety Center



### Agencies Participating:

Mitch's Gym  
Paoli Hospital  
Pennsylvania State Police  
Search and Rescue Dog Team  
Rita's Water Ice  
ServPro  
West Bradford Fire Co.,  
West Chester Orthodontics  
West Chester Police Dept.  
West Chester University-EMS  
West Goshen Police Dept.  
Westtown-East Goshen Regional  
Police Dept.  
West Whiteland Fire Co.  
\*\*Food Trucks\*\*  
Chilly Banana  
Saloon 151  
Vira Bowls  
Zac's Burger Bus

## FEATURING:

Station Tours  
Equipment Demos  
Vehicle Rescue Demo  
Search and Rescue Demo  
Stop the Bleed Demo  
Police/Fire Truck Displays  
Car Seat Safety Checks  
Blood Pressure Screenings  
Moon Bounce/Face Painting  
Health/Safety Information

# Check Register

Westtown Township

17-May-19

From: 07-May-19 To: 20-May-19

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 1 GENERAL FUND</b>					
14935	5/9/2019	405817	Pereira Dias Ilson Jr	\$119.92	O
14937	5/13/2019	405540	Albert Federico Consulting, LL	\$564.50	O
14938	5/13/2019	1009	Ann Marie Cassidy	\$680.00	O
14939	5/13/2019	6552	Best Line Equipment	\$54.26	O
14940	5/13/2019	6171	C.V.D.A	\$49.50	O
14941	5/13/2019	6171	C.V.D.A	\$4,937.54	O
14942	5/13/2019	6038	Cedarville Engineering Group	\$2,874.00	O
14943	5/13/2019	1188	Conway Power Equipment, Inc	\$245.09	O
14944	5/13/2019	1082	ELEANOR J. SCHWANDT, R	\$1,031.00	O
14945	5/13/2019	31	Gawthrop Greenwood, Attorn	\$10,842.34	O
14946	5/13/2019	39	Grainger	\$1,148.45	O
14947	5/13/2019	405818	JAMAR Technologies, Inc.	\$3,635.00	O
14948	5/13/2019	46	JoAnne Grube	\$90.48	O
14949	5/13/2019	405820	Maureen Craig Snook	\$1,092.50	O
14950	5/13/2019	1061	McCormick Taylor	\$16,545.34	O
14951	5/13/2019	1157	Nationwide Testing Associatio	\$109.50	O
14952	5/13/2019	820	PIPE SERVICES CORPORAT	\$5,185.00	O
14953	5/13/2019	405821	RapidoColor	\$2,750.50	O
14954	5/13/2019	6074	Robert Pingar	\$97.44	O
14955	5/13/2019	885	Ronald M. Agulnick, Attorney	\$2,400.00	O
14956	5/13/2019	5379	TPS Graphics	\$2,650.00	O
<b>Bank Total:</b>				<b>\$57,102.36</b>	
<b>Total Of Checks:</b>				<b>\$57,102.36</b>	