

WESTTOWN TOWNSHIP

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West Chester, PA 19382
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AGENDA

Westtown Township Board of Supervisors Regular Meeting

Tuesday, January 21, 2020 - 7:30 PM

Westtown Township Municipal Building
1039 Wilmington Pike, Westtown

- I. Call to Order
- II. Approval of Board of Supervisors Meeting Minutes – January 6, 2020
- III. Summary of Board of Supervisors Executive Session – January 13, 2020
- IV. Summary of Board of Supervisors Workshop – January 21, 2020
- V. Departmental Reports
 - A. Westtown East Goshen Police – Chief Brenda Bernot
 - B. Parks & Recreation Commission – Meghan Hanney
 - C. Planning Commission – Steve Rodia
 - D. Manager’s Report - Rob Pingar
- VI. Public Comment (Non-Agenda Items)
- VII. Old Business
 - A. Oakbourne Mansion Exterior Repairs Project – Request for Payment No. 4
 - B. Oakbourne Road Bridge Reconstruction Project - Request for Payment No. 5/Final
 - C. Arborview Commercial Lot – Escrow Release No. 2
 - D. Ordinance 2020-03, Signs Ordinance Amendment – Authorize Act 247 review
- VIII. New Business
 - A. 2020 WEGO Police Commissioner - Appointment of Thornbury Township Citizen at Large, James Benoit
 - B. Ordinance 2020-01, Repeal of Ordinance 2019-05 – Authorize Act 247 Review
 - C. Ordinance 2020-02, False Alarm Ordinance Amendment – Authorize Advertisement
- IX. Announcements
 - A. **Township Vacancies** – Planning Commission, Historical Commission, Zoning Hearing Board, and Vacancy Board
 - B. **Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearing #2** – 6:00 PM, Thursday January 30 at Rustin High School.
- X. Public Comment (All Topics)
- XI. Payment of Bills
- XII. 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 REORGANIZATIONAL MEETING
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, January 6, 2020 at 7:30PM

In attendance were: Supervisors Dick Pomerantz, Carol DeWolf, and Scott Yaw, and Township Manager Rob Pingar. There were 24 guests.

I. Call to Order.

Mr. Pingar called the meeting to order at 7:30 p.m. and led those present in the Pledge of Allegiance.

II. Nomination of Board of Supervisors Chair

Mr. Pingar called for a nomination for Chair of the Board of Supervisors. Mr. Yaw made a motion to nominate Ms. De Wolf as Chair. Ms. De Wolf declined the nomination, and then nominated Mr. Pomerantz as Chair. Mr. Pomerantz seconded the motion.

Mr. Yaw stated that he thought it was in the best interest of the Township to have an experienced member of the Board act as chair. Mr. Yaw recognized Ms. De Wolf's experience and service to the community and stated that he thought it was in the best interest of the Township to have someone act as chair who has experience with the various issues facing the board.

There was no public comment and the motion was approved 2-1, with Mr. Yaw dissenting.

Chair Pomerantz then took over the meeting.

III. Nomination of Board of Supervisors Vice Chair

Mr. Pomerantz made a motion to nominate Ms. De Wolf as Vice Chair. Mr. Yaw seconded the motion. Ms. De Wolf accepted the nomination. There was no public comment and the motion was unanimously approved.

IV. Nomination of Police Commissioner

Mr. Pomerantz made a motion to nominate Mr. Yaw as Police Commissioner. Ms. De Wolf seconded the motion. Mr. Yaw accepted the nomination. There was no public comment, and the motion was unanimously approved.

V. Nomination for PSATS Annual Conference Voting Delegate

Ms. De Wolf made a motion to nominate Mr. Pomerantz as the PSATS Annual Conference Voting Delegate. Mr. Yaw seconded the motion. Mr. Pomerantz accepted the nomination. There was no comment, and the motion was unanimously approved.

VI. Nomination for Supervisor Representative to West Chester Area Council of Governments (WCACOG)

Mr. Pomerantz made a motion to nominate Ms. De Wolf as representative to the West Chester Area Council of Governments. Mr. Yaw seconded the motion. Ms. De Wolf accepted the nomination. There was no public comment, and the motion was unanimously approved.

VII. Nomination for Agricultural Security Advisory Committee Representative

Mr. Pomerantz made a motion to nominate Mr. Yaw as the Board's representative to the Agricultural Security Advisory Committee. Ms. De Wolf seconded the motion. Mr. Yaw accepted the nomination. There was no public comment and the motion was unanimously approved.

VIII. Appointments

Ms. De Wolf made a motion to approve the list of appointments, A - V:

- A.** Manager, Secretary, & Treasurer – Robert Pingar, P.E.
- B.** Right to Know Officer – Pamela Coleman
- C.** Zoning Officer – William Ethridge, AICP
- D.** Director of Finance – JoAnne Grube
- E.** Assistant Treasurer, JoAnne Grube
- F.** Director of Public Works – Mark Gross
- G.** Director of Planning & Zoning – William Ethridge, AICP
- H.** Building Code Official, Code Inspections, Inc., Andrew Kirk, BCO
- I.** Trash & Recycling Coordinator – Pamela Coleman
- J.** Emergency Management Coordinator – Donald Verdiani
- K.** Vacancy Board – TBD
- L.** Solicitor – Gawthrop Greenwood, PC, Patrick McKenna, Esq.
- M.** Planning Commission Solicitor – Buckley, Brion, McGuire & Morris LLP, Kristin Camp, Esq.
- N.** Engineer – TBD
- O.** Traffic Engineer – Albert Federico Consulting, LLC, P.E., PTOE
- P.** Sewer Engineer – Carroll Engineering Corporation, William Malin, P.E.
- Q.** Stormwater Engineer – Cedarville Engineering Group, LLC, April Barkasi, P.E.
- R.** Planning & Zoning Consultant – John Snook, AICP
- S.** Auditors – Mingis, Gutowski & Company
- T.** Historical Commission Reappointments - TBD
- U.** Planning Commission Reappointments – TBD
- V.** Zoning Hearing Board Appointments - TBD

Mr. Yaw seconded the motion. He then stated that it was not typical for the Township to leave appointments "to be determined." He reminded the Board that the Second Class Township Code requires the Board to appoint a citizen to the Vacancy Board tonight or as soon as practical. If for some reason there is a vacancy on the Board of Supervisors, and the Board splits, then a citizen in the township is needed to act as chair of the Vacancy Board to break the tie. Mr. Yaw said he would have preferred to reappoint commissioners who indicated their continued interest to serve the township as has been the practice of past boards. He noted that some current supervisors previously benefited from this practice. He stated that the Historical Commission and Zoning Hearing Board (ZHB) now do not have a quorum, and are unable to conduct business until they do. For example, if the Township was to receive a Variance Application, the ZHB would be unable to act on it. He added that in his past two years serving as a township supervisor, it has been difficult to find residents to volunteer.

Ms. De Wolf agreed with Mr. Yaw's last comment, and stated that she expects the Board will reappoint most of those who have indicated their interest to be reappointed, but felt that it was important to solicit residents for additional interest. Ms. De Wolf said she also felt it was unfair to the new Board member to have to reappoint someone he may be unfamiliar with. Mr. Yaw replied that in 2018, he was new to the Board and the Board made 11 different reappointments. He stated that he was prepared and in favor of those reappointments in advance of the meeting, so that the Township was able to continue business seamlessly.

Mr. Pomerantz acknowledged both sides of the issue, but was in favor of trying to get other residents interested. He stated that he believed that there is an untapped reservoir of people willing to contribute, and felt that the Township would not suffer from this approach, albeit unorthodox.

There was no other comment, and the motion to approve the appointments was unanimously approved.

IX. Appointment of Depositories

Ms. De Wolf made a motion to approve the list of appointments of depositories:

- A.** Key Bank, N.A. - Operating & Sewer Fund
- B.** Key Bank Private Client Investment Services
- C.** Boenning & Scattergood
- D.** Fulton Financial

Mr. Yaw seconded the motion. There was no public comment, and the motion to approve the list of depositories was unanimously approved.

X. Township Holidays

Mr. Pomerantz announced that the Township office will be closed on the following official holidays in 2020. These holidays have been advertised:

Wednesday, January 1 - New Year's Day
Monday, January 20 - Martin Luther King Jr. Day
Monday, February 17 - Presidents' Day
Friday, April 10 - Good Friday
Monday, May 25 - Memorial Day
Friday, July 3 - Independence Day (observed)
Monday, September 7 - Labor Day
Thursday & Friday, November 28 & 29 – Thanksgiving
Thursday & Friday, December 24 & 25 – Christmas

XI. Meeting Dates

Mr. Pomerantz reviewed the Township meeting schedule. As required, public notice of meeting dates for the various township boards and commissions was also advertised.

A. Board of Supervisors:

Regular meetings are held on the first and third Mondays of the month, with the exceptions of Martin Luther King Day, Presidents' Day, and Labor Day holidays, when the meeting will be on the Tuesday after the holiday. The Board of Supervisors will not meet on May 4. Location: Westtown Township Building. Time: 7:30 pm

Second and fourth Monday of the month is reserved for business of the Board, as needed. Location: Westtown Township Building. Time: 7:30 p.m.

Workshop meetings may be held prior to regular and additional meetings of the Board. The workshop meeting starting times will be publicized in advance via township listserv and website posting.

B. Planning Commission:

First and third Wednesdays of the month following Board of Supervisors meetings, with the following exceptions: July 4th and November 21st. Location: Westtown Township Building. Time: 7:30 p.m.

C. Parks and Recreation Commission:

Second Tuesday of the month. Location: Oakbourne Mansion at Oakbourne Park. Time: 7:00 p.m.

D. Historical Commission

Third Thursday of the month. Location: Westtown Township Building. Time: 6:00 p.m.

XII. Board of Auditors Organizational Meeting

Mr. Pomerantz announced that the Board of Auditors organization meeting will be Tuesday, January 7, 2020, 9:00 a.m. at the Township Municipal Building.

XIII. Adjournment

Prior to adjourning the meeting, Ms. De Wolf asked Mr. Pomerantz if would like to share anything with the audience. Mr. Pomerantz read a prepared statement of introduction outlining his management philosophy and his goal to make Westtown Township more citizen centric.

Ms. De Wolf then made a motion to adjourn the meeting. Mr. Yaw seconded the motion. The organizational meeting adjourned at 8:14 p.m.

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, January 6, 2020 – 7:30 PM

In attendance were Chair Dick Pomerantz, Vice Chair Carol De Wolf, Police Commissioner Scott Yaw, and Township Manager Rob Pingar. There were 16 guests.

I. Call to Order

Mr. Pomerantz called the meeting to order at 8:32 PM.

II. Approval of Minutes (December 16, 2019)

Ms. De Wolf made a motion to approve the December 16, 2019 Board of Supervisors meeting minutes. Mr. Yaw seconded the motion. There were no other comments and the motion was approved 2-0, with Mr. Pomerantz abstaining because he was not a supervisor at the December 16, 2019 meeting.

III. Executive Session (January 6, 2020)

Mr. Pomerantz apologized for the delay in starting the meeting. He reported that the Board held an Executive Session after their Organization meeting to discuss a personnel matter. There was no public workshop session.

There were no comments or questions on the workshop.

IV. Public Comment (Non Agenda Items)

Mr. Pomerantz stated that the Board was going to consolidate Public Comment Non-Agenda Items with Public Comment All Topics.

V. New Business

A. Planning Commissioner Resignation – Dick Pomerantz

Mr. Pomerantz made the motion to accept his resignation from the Planning Commission. Mr. Yaw seconded the motion. There were no comments or questions and the motion was unanimously approved.

B. Resolution 2020-01 – 2020 Township Fee Schedule

Ms. De Wolf made a motion to approve Resolution 2020-01 establishing the 2020 Township Fee Schedule for fees and charges imposed by Westtown Township and Township consultants pursuant to the Code of Westtown. Mr. Yaw seconded the motion. Mr. Pingar stated that the Fee Schedule is posted on the township website and was included in tonight's meeting materials that were sent out on the Township listserv. There was no public comment and the motion was unanimously approved.

C. Resolution 2020-02 – Township Manager Annual Compensation

Article XIII of the Second Class Township Code and Chapter 22 of the Code of Westtown require that the annual compensation of the Township Manager be set by resolution of the Board of Supervisors. Mr. Pomerantz made a motion to approve Resolution 2020-02 to set the Township Manager's annual compensation commensurate with the duties and responsibilities of the position and the Township Manager's performance. Mr. Yaw seconded the motion.

Ms. DeWolf expressed reservation with the level of the salary, based on her understanding of what township salaries are in this region.

Myron Grubaugh (1024 Dunvegan Road) asked the salary amount. Ms. De Wolf stated it is \$147,669.

Michelle Ritchie Barbacane (Hidden Pond Way) stated that Ms. De Wolf's comments were very vague, and asked her to elaborate. Ms. De Wolf stated that the previous Board had the opportunity to look at salary ranges for surrounding townships and that she has issues with some of the salaries.

Mr. Pingar commented that this proposed salary was approved by the previous board with the approval of the 2020 Budget. Mr. Pingar also stated that when salaries for all staff members were being decided, he provided the Board with a comprehensive analysis of all positions in the township. This showed that Westtown's compensation for Township Manager is consistent with other municipalities in the COG area. Ms. De Wolf disagreed with this analysis.

John Phillips (102 Hidden Pond Way) asked if the Township Manager salary is performance based as well. Ms. De Wolf replied that it is.

Pam Boulos (200 Cheyney Drive) asked Ms. De Wolf when the 2020 Budget was approved. Ms. De Wolf replied that it was approved at the December 16, 2019 meeting. Ms. Boulos asked which townships were included on the analysis provided by Mr. Pingar. Ms. De Wolf stated that they were East Bradford, East Goshen, East Whiteland, Easttown, Upper Uwchlan, Uwchlan, and West Whiteland Townships. Ms. Boulos offered her strong support of the proposed compensation of the Township Manager.

Jim Cahill (9 Jacqueline Drive) stated that he has lived on Jacqueline Drive for 42 years and is unhappy with the way the township has been operating.

There were no other comments. The motion passed 2-0, with Mr. Pomerantz abstaining.

VI. Announcements

Mr. Pomerantz made the following announcements:

- A. Christmas Tree Collection – Saturday, January 11.** Please remove all ornaments, lights, garland, and tinsel. Trees in plastic bags will not be collected.
- B. Township office closure – Monday, January 20 for Martin Luther King Day.** The Board of Supervisors will meet on the Tuesday following the holiday.
- C. Toll/Crebilly Conditional Use Hearing – 6 PM, Thursday, January 30 at Rustin High School.** The Board of Supervisors will decide on any remaining requests for party status after which Toll Bros. will begin presenting testimony and evidence in support of their application.
- D. Historic Commission Vacancy** – The township is accepting applications for appointment to the Historical Commission. The Historical Commission meets at 6:00 PM on the third Thursday of the month at the Westtown Township Administrative Building. If you would like to get involved, please send your letter of interest and resume to the Township Manager, Rob Pingar.
- E. Planning Commission Vacancy** – The township is accepting applications for appointment to the Planning Commission. The Planning Commission meets at 7:30 PM on the Wednesdays following the Board of Supervisors meetings. If you would like to get involved, please send you letter of interest and resume to the Township Manager, Rob Pingar.

VII. Public Comment on All Topics

Jim Cahill (9 Jacqueline Drive) expressed his displeasure with how the township has been functioning the last few years. He states there is too much overdevelopment in Chester County in general. He expects increased traffic in Westtown Township as a result, particularly on Jacqueline Drive.

Representative Carolyn Comitta (115 S Brandywine Street, West Chester) introduced herself as Westtown Township's State Representative. She offered her congratulations to Mr. Pomerantz for his election to the Board of Supervisors. She stated that she has an office in West Chester Borough and encourages both residents and township officials to reach out to see how she can be a resource to the township. Mr. Pomerantz thanked Representative Comitta for how welcoming and responsive her team was during his campaign.

Vince Marrow (100 McFadden Road, Chadds Ford) encouraged Westtown Township residents to get involved with the township. He stressed the importance of allowing oneself to be vulnerable in order to see positive change.

John Phillips (102 Hidden Pond Way) spoke on his concerns with the new Ducklings Day Care Center and its effect of the Arborview Community. He stated that the trees that were planted for visual and protective screening do not meet the standards of township regulations due to their small size. He also raised his concerns regarding steps taken to comply with noise protection from RT 202 and Orvis Way. Ms. De Wolf commented that a meeting will be scheduled with Mr. Phillips and the township to discuss this further.

Mr. Pingar stated that Ducklings Day Care is hoping to obtain a Certificate of Occupancy this month. Mr. Phillips went on record asking that this not be provided until all regulations have been addressed. Ms. De Wolf replied that it may not be possible to keep them from opening their doors if they have followed the approved development plans.

Mr. Pomerantz asked Mr. Pingar for his thoughts on this matter. Mr. Pingar replied that this issue goes back almost fifteen years with the approval of the Arborview Land Development Application. Those previous approvals have dictated how the commercial lot was developed more recently. Mr. Phillips rejected this statement and maintained that the community's concerns have not been addressed in the years since.

Mr. Pomerantz asked Mr. Phillips about the reaction of the rest of the Arborview Community to the development. Mr. Phillips explained the many steps homeowners in the neighborhood have had to take to protect the safety of their community. Mr. Pomerantz suggested they revisit these concerns after the meeting the township intends to schedule with Mr. Phillips.

Lauren Hoffman (100 Hidden Pond Way) stated that she and her husband reviewed all records regarding the Ducklings Lot and Connector Road when the development was first proposed in 2015. She expressed similar concerns to Mr. Phillips' regarding regulations that have not been complied with.

Phil Anderson (101 Hidden Pond Way) asked for clarification on where the Board gets the authority grant variances from zoning ordinances, which he had previously posed to the township solicitor with no response. Mr. Pingar replied that he will follow up with Mr. McKenna for an answer.

Michelle Ritchie Barbacane (Hidden Pond Way) added her opinion that, while development plans were approved when the area was a vacant lot, Arborview is an established community and deserves the township's renewed consideration. Mr. Phillips seconded her statement.

There were no other comments or questions.

VIII. Payment of Bills

Mr. Pomerantz made a motion to approve the General Fund bills in the amount of \$520,257.57, Wastewater Fund bills in the amount of \$54,242.26, and Capital Projects Fund bills in the amount of \$115,734.23, for a grand total of \$690,234.06. Mr. Yaw seconded the motion. There were no additional questions or comments, and the check registers were unanimously approved.

IX. Adjournment

Mr. Pomerantz made a motion to adjourn the meeting. Ms. De Wolf seconded the motion. The motion was unanimously approved and the meeting adjourned at 9:38 PM.

Respectfully submitted,

Robert Pingar
Township Manager

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
Wednesday, January 8, 2020 – 7:30PM

Present

Commissioners –Planning Commission (PC) member Kevin Flynn was absent, all others were present (4 present, 1 absent). Also, present was Planning Director, Will Ethridge. (Mr. Pomerantz resigned from the PC after he was elected to the Board of Supervisors and Mr. Embick was not reappointed as of the date of this meeting).

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:35 PM and led those present in the Pledge of Allegiance.

Adoption of Agenda (JL/EA) 4-0

No changes were made.

Approval of Minutes (EA/JL) 4-0

The Planning Commission Meeting minutes of 12/04/2019 were approved.

Announcements

None

Public Comment – Non Agenda Items

None

Old Business

None

New Business

1. Election of Officers – Mr. Ethridge
 - a. Nomination for Commission Secretary – Will Ethridge **(JL/RH) 4-0**
 - b. Nomination for Commission Chairman – Russ Hatton **(SR/JL) 4-0**
 - c. Nomination for Commission Vice-Chairman – PC decided to table that nomination until the available seats on the PC were filled.

Public Comment

None

Reports

Mr. Hatton summarized his observations of the BOS meeting for 12/16/19. PC tabled the summary of the BOS meeting of 1/6/2020 until Kevin Flynn would be present to report on that.

Adjournment (EA/JL) 4-0

Meeting was adjourned at 8:05 pm.

Next PC Meeting:
January 22, 2020, 7:30 pm – Township Bldg

PC Representative at next Board of Supervisors Meeting:
January 21, 2020 – Steve Rodia/Jim Lees

Respectfully submitted,
William Ethridge,
Planning Commission Secretary

DRAFT

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

TO OWNER:

Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

FROM CONTRACTOR:

R.C. Legnini Company, Inc.
46 Pennsylvania Avenue
Malvern, PA 19355

PROJECT:

Oakbourne Mansion Exterior Repairs
1014 S. Concord Road
West Chester, PA 19382

VIA ARCHITECT:

Linn Architects
1140 N. Providence Road
Media, PA 19063

APPLICATION NO: 4

PERIOD TO: December 31, 2019

PROJECT NOS:

CONTRACT FOR General Contracting

CONTRACT DATE: August 7, 2019

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1 ORIGINAL CONTRACT SUM	\$ 352,736.07
2 NET CHANGES by Change Orders	\$ 5,643.31
3 CONTRACT SUM TO DATE (Line 1 ± 2)	\$ 358,379.38
4 TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 351,018.31

5 RETAINAGE:

a. 10 % of Completed Work (Column D + E on G703)	\$ 35,101.83
b. % of Stored Material (Column F on G703)	\$ 0.00

Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$ 35,101.83
TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$ 315,916.48

6 TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$ 315,916.48
7 LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 255,407.78
8 CURRENT PAYMENT DUE	\$ 60,508.70
9 BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 42,462.90

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$3,568.42	\$0.00
Total approved this Month	\$2,074.89	\$0.00
TOTALS	\$5,643.31	\$0.00
NET CHANGES by Change Order	\$5,643.31	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: R.C. Legnini Company, Inc.

By: Hannah Legnini Date: 12/23/2019
 State of: PENNSYLVANIA County of: CHESTER
 Subscribed and sworn to before me this 23rd day of December, 2019
 Notary Public: Katherine S. Granahan, Notary Public
 My Commission expires: December 31, 2021

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED\$ 60,508.70

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: [Signature] Date: 1/3/2020

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

SCHEDULE OF VALUES

PROJECT NAME
Oakbourne Mansion Exterior Repairs

R.C. LEGNINI COMPANY, INC.
46 PENNSYLVANIA AVENUE
MALVERN, PA 19355

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1000	GENERAL CONDITIONS								
	Contractor's fee	\$45,501.00	\$36,395.00	\$8,000.00			\$44,395.00	\$1,106.00	\$4,439.50
	Permits	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	\$0.00
	Mobilization	\$7,200.00	\$7,200.00	\$0.00			\$7,200.00	\$0.00	\$720.00
	Admin Costs	\$7,000.00	\$5,950.00	\$1,000.00			\$6,950.00	\$50.00	\$695.00
	Bonds and Insurance	\$9,650.00	\$9,650.00	\$0.00			\$9,650.00	\$0.00	\$965.00
	Temporary Protection	\$2,800.00	\$2,510.00	\$290.00			\$2,800.00	\$0.00	\$280.00
	Dumpsters	\$1,700.00	\$1,530.00	\$170.00			\$1,700.00	\$0.00	\$170.00
	Material Handling	\$4,368.00	\$4,368.00	\$232.00			\$4,600.00	\$0.00	\$460.00
	Equipment	\$8,400.00	\$8,400.00	\$0.00			\$8,400.00	\$0.00	\$840.00
	Supervision	\$53,000.00	\$45,020.00	\$7,500.00			\$52,520.00	\$480.00	\$5,252.00
	Punch-list and Close Out	\$3,000.00	\$0.00	\$0.00			\$0.00	\$3,000.00	\$0.00
2000	SITE CONSTRUCTION DIVISION								
	Demolition	\$2,200.00	\$2,200.00	\$0.00			\$2,200.00	\$0.00	\$220.00
4000	MASONRY								
	Repointing	\$3,485.00	\$1,750.00	\$1,735.00			\$3,485.00	\$0.00	\$348.50
5000	METALS								
	Misc. Metals	\$17,500.07	\$875.00	\$14,000.00			\$14,875.00	\$2,625.07	\$1,487.50
6000	WOODS AND PLASTICS								
	Wood Materials	\$29,700.00	\$29,700.00	\$0.00			\$29,700.00	\$0.00	\$2,970.00
	Rough Carpentry	\$50,000.00	\$42,500.00	\$7,500.00			\$50,000.00	\$0.00	\$5,000.00
7000	THERMAL AND MOISTURE								
	Roofing	\$5,000.00	\$0.00	\$4,900.00			\$4,900.00	\$100.00	\$490.00
8000	DOORS AND WINDOWS								
	Doors, Frames, and Hardware	\$15,700.00	\$11,790.00	\$3,910.00			\$15,700.00	\$0.00	\$1,570.00
	Exterior Window Assemblies	\$3,600.00	\$0.00	\$3,600.00			\$3,600.00	\$0.00	\$360.00
9000	FINISHES								
	Paint	\$82,000.00	\$69,680.00	\$12,320.00			\$82,000.00	\$0.00	\$8,200.00
1600	ELECTRICAL								
	Electrical Work	\$700.00	\$700.00	\$0.00			\$700.00	\$0.00	\$70.00
	CO #1: Rot Sistering	\$3,568.42	\$3,568.42	\$0.00			\$3,568.42	\$0.00	\$356.84
	CO #2: Carriage House Repairs	\$2,074.89	\$0.00	\$2,074.89			\$2,074.89	\$0.00	\$207.49
	GRAND TOTALS	\$358,579.38	\$283,786.42	\$67,231.89	\$0.00	\$351,018.31	\$7,361.07	\$35,101.83	

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Carroll Engineering Corporation

January 8, 2020

Robert Pingar, P.E., Township Manager
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

Subject: Recommendation for Final Payment – Contract Close-Out
Oakbourne Road Bridge Replacement, Westtown Township, Chester County

Dear Rob:

On December 30, 2019 Carroll Engineering Corporation received Application for Payment No. 5 (*final*), dated December 19, 2019, prepared by Road-Con, Inc., of West Chester, PA for the subject project. We have reviewed this application and recommend approval of payment in the amount of **\$15,165.35**. The original of the Payment Application is attached for your information and records. Since this is the Final Payment Application, originals of the following contract close-out documents are attached:

- Maintenance Bond
- Consent of Surety Company to Final Payment
- Contractor's Affidavit of Payment of Debts and Claims
- Contractor's Affidavit of Release of Liens
- Contractor's Release of Liens

Work completed has been performed in compliance with the Project Plans and Specifications. Therefore, please process final payment in the amount of **\$15,165.35**. With this payment, the total paid to the Contractor will be **\$758,267.58**. Should you have any questions or require additional information regarding this matter, please do not hesitate to contact me at 215-343-5700, Extension 317 or jcoyle@carrollengineering.com.

Very truly yours,

CARROLL ENGINEERING CORPORATION

Justin M. Coyle, P.E.
Department/Project Manager

JMC:dp

Attachments

cc: Jessica L. Roberts, Road-Con, Inc. (*w/PAY APPL*)

Today's Commitment to Tomorrow's Challenges

Corporate Office:
949 Easton Road
Warrington, PA 18976
215.343.5700

630 Freedom Business Center
Third Floor
King of Prussia, PA 19406
610.489.5100

101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

105 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE 1 OF 2

PAGES 2

TO OWNER:
 Westtown township
 1039 Wilmington Pike
 West Chester, PA 19382

PROJECT:
 Oakbourne Road Bridge Replacement

FROM CONTRACTOR:
 ROAD-CON, INC.
 Carroll Engineering Corporation
 949 Easton Road
 Warrington, PA 18976

APPLICATION NO: 5

PERIOD TO: 12/19/2019

PROJECT NOS:

CONTRACT DATE: 4/1/2019

RECEIVED

DEC 30 2019

CARROLL ENGINEERING CORP

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

- ORIGINAL CONTRACT SUM \$ 738,809.03
- Net change by Change Orders \$ 15,136.84
- CONTRACT SUM TO DATE (Line 1 + 2) \$ 753,945.87
- TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 758,267.58

- RETAINAGE:
 - a. % of Completed Work \$ 0.00 (Column D + E on G703)
 - b. % of Stored Material \$ 0.00 (Column F on G703)

- Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 0.00
- TOTAL EARNED LESS RETAINAGE \$ 758,267.5800 (Line 4 Less Line 5 Total)
- LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 743,102.23
- CURRENT PAYMENT DUE \$ 15,165.35
- BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$15,136.84	
Total approved this Month	\$0.00	
TOTALS	\$15,136.84	\$0.00
NET CHANGES by Change Order	\$15,136.84	

Commonwealth of Pennsylvania - Notary Seal
 Samantha Hart, Notary Public
 Chester County
 My commission expires August 27, 2023
 Commission number 1355929
 Member, Pennsylvania Association of Notaries

CONTRACTOR: Road-Con, Inc.
 By: Jessica D. Roberts Date: 12/19/19
 State of: Pennsylvania County of: Chester
 Subscribed and sworn to before me this 19th day of December
 Notary Public: Samantha Hart
 My Commission expires: August 27, 2023

CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 15,165.35

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: Justin M. Coffey Date: 1-8-2020
 By: Justin M. Coffey
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

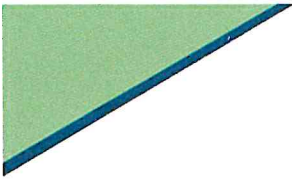
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 5
 APPLICATION DATE: 12/19/2019
 PERIOD TO: 12/19/2019
 ARCHITECT'S PROJECT NO:

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE UNIT PRICE	D BID QUANTITY	E SCHEDULED VALUE TOTAL PRICE	F FROM PREVIOUS APPLICATION	G WORK COMPLETED		H AMOUNT THIS PERIOD	I TOTAL COMPLETED AND STORED TO DATE (F+H)	K BALANCE TO FINISH (C - G)	L RETAINAGE
						QTY THIS PERIOD					
0203-0001	CLASS 1 EXCAVATION	\$43.00	516	\$22,188.00	523	0	\$0.00	\$0.00	\$22,489.00	(\$301.00)	\$0.00
0203-0004	CLASS IB EXCAVATION	\$75.00	54	\$4,050.00	54	0	\$0.00	\$0.00	\$4,050.00	\$0.00	\$0.00
0212-0001	GEOTEXTILE, CLASS 1	\$1.15	180	\$207.00	250	0	\$0.00	\$0.00	\$287.50	(\$80.50)	\$0.00
0311-0426	WMA BASE COURSE, PG 64-22, 0.3 TO < 3 MILLION ESAL	\$40.00	501	\$20,040.00	507.88	0	\$0.00	\$0.00	\$20,315.20	(\$275.20)	\$0.00
0350-0106	SUBBASE 6" DEPTH (NO. 2A)	\$13.20	501	\$6,613.20	507.88	0	\$0.00	\$0.00	\$6,704.02	(\$90.82)	\$0.00
0411-0481	WMA WEARING COURSE, PG 64-22, 0.3 TO < 3 MILLION E	\$17.35	668	\$11,589.80	720	0	\$0.00	\$0.00	\$12,492.00	(\$902.20)	\$0.00
0411-6450	WMA BINDER COURSE, PG 64-22, 0.3 TO < 3 MILLION ES	\$20.80	501	\$10,420.80	507.88	0	\$0.00	\$0.00	\$10,563.90	(\$143.10)	\$0.00
0460-0001	BITUMINOUS TACK COAT	\$1.00	501	\$501.00	507.88	0	\$0.00	\$0.00	\$507.88	(\$6.88)	\$0.00
0491-0012	MILLING OF BITUMINOUS PAVEMENT SURFACE, 1-1/2" DE	\$35.00	170	\$5,950.00	170	0	\$0.00	\$0.00	\$5,950.00	\$0.00	\$0.00
0608-0001	MOBILIZATION INCLUDING SEPTA "RIGHT OF ENTRY" AG	\$40,000.00	1	\$40,000.00	1	0	\$0.00	\$0.00	\$40,000.00	\$0.00	\$0.00
0610-7002	6" PAVEMENT BASE DRAIN	\$21.60	301	\$6,501.60	301	0	\$0.00	\$0.00	\$6,501.60	\$0.00	\$0.00
0615-0040	SUBSURFACE DRAIN OUTLET ENDWALL	\$808.00	2	\$1,616.00	2	0	\$0.00	\$0.00	\$1,616.00	\$0.00	\$0.00
0615-0066	66" RED SUBSURFACE DRAIN OUTLET MARKER	\$64.00	2	\$128.00	2	0	\$0.00	\$0.00	\$128.00	\$0.00	\$0.00
0619-0477	SKT-SP (END TREATMENT)	\$5,700.00	2	\$11,400.00	2	0	\$0.00	\$0.00	\$11,400.00	\$0.00	\$0.00
0620-0015	THRE-BEAM TO VERTICAL WALL BRIDGE BARRIER TRAN	\$5,700.00	2	\$11,400.00	2	0	\$0.00	\$0.00	\$11,400.00	\$0.00	\$0.00
0620-0503	REMOVE EXISTING GUIDE RAIL (CONTRACTOR'S PROPER	\$100.00	2	\$200.00	45	0	\$0.00	\$0.00	\$4,500.00	(\$4,300.00)	\$0.00
0620-0594	PA STRUCTURE MOUNTED GUIDE RAIL	\$595.00	50	\$29,750.00	50	0	\$0.00	\$0.00	\$29,750.00	\$0.00	\$0.00
0620-1600	TYPE 31-S GUIDE RAIL	\$80.00	50	\$4,000.00	50	0	\$0.00	\$0.00	\$4,000.00	\$0.00	\$0.00
0630-0001	PLAIN CEMENT CONCRETE CURB	\$60.00	311	\$18,660.00	311	0	\$0.00	\$0.00	\$18,660.00	\$0.00	\$0.00
0845-0001	UNFORESEEN WATER POLLUTION CONTROLS (MUST BE S	\$3,000.00	1	\$3,000.00	0	0	\$0.00	\$0.00	\$0.00	\$3,000.00	\$0.00
0850-0024	ROCK LINING, CLASS R-6 (CHOKED WITH R-3)	\$230.00	42	\$9,660.00	49	0	\$0.00	\$0.00	\$11,270.00	(\$1,610.00)	\$0.00
0901-0001	MAINTENANCE AND PROTECTION OF TRAFFIC DURING CO	\$10,000.00	1	\$10,000.00	0	0	\$0.00	\$0.00	\$0.00	\$10,000.00	\$0.00
0931-0001	POST-MOUNTED SIGNS, TYPE B	\$50.00	38	\$1,900.00	74	0	\$0.00	\$0.00	\$3,700.00	(\$1,800.00)	\$0.00
0941-0001	RESET POST-MOUNTED SIGNS, TYPE B	\$50.00	6	\$300.00	3	0	\$0.00	\$0.00	\$150.00	\$150.00	\$0.00
0960-0001	4" WHITE HOT THERMOPLASTIC PAVEMENT MARKINGS	\$1.80	500	\$900.00	612	0	\$0.00	\$0.00	\$1,101.60	(\$201.60)	\$0.00
0960-0002	4" YELLOW HOT THERMOPLASTIC PAVEMENT MARKINGS	\$1.80	530	\$954.00	308	0	\$0.00	\$0.00	\$554.40	\$399.60	\$0.00
0960-0021	24" WHITE HOT THERMOPLASTIC PAVEMENT MARKINGS	\$15.50	20	\$310.00	20	0	\$0.00	\$0.00	\$310.00	\$0.00	\$0.00
0964-0001	4" WHITE EPOXY PAVEMENT MARKINGS	\$43.00	50	\$2,150.00	50	0	\$0.00	\$0.00	\$2,150.00	\$0.00	\$0.00
1002-0052	REINFORCEMENT BARS, EPOXY COATED	\$3.40	4500	\$15,300.00	4500	0	\$0.00	\$0.00	\$15,300.00	\$0.00	\$0.00
1018-0050	REMOVAL OF EXISTING BRIDGE	\$45,000.00	1	\$45,000.00	1	0	\$0.00	\$0.00	\$45,000.00	\$0.00	\$0.00
4850-0022	ROCK LINING, CLASS R-4	\$90.00	20	\$1,800.00	20	0	\$0.00	\$0.00	\$1,800.00	\$0.00	\$0.00
8550-0001	CLASS 3 EXCAVATION	\$58.00	160	\$9,280.00	160	0	\$0.00	\$0.00	\$9,280.00	\$0.00	\$0.00
8550-0001	#57 STRUCTURE BACKFILL	\$72.00	140	\$10,080.00	140	0	\$0.00	\$0.00	\$10,080.00	\$0.00	\$0.00
8550-0001	#8 COARSE AGGREGATE	\$123.00	62	\$7,626.00	62	0	\$0.00	\$0.00	\$7,626.00	\$0.00	\$0.00
8550-0001	CLASS AA CONCRETE	\$1,250.00	6	\$7,500.00	6	0	\$0.00	\$0.00	\$7,500.00	\$0.00	\$0.00
8550-0001	CLASS AAA-P CONCRETE	\$950.00	15	\$14,250.00	15	0	\$0.00	\$0.00	\$14,250.00	\$0.00	\$0.00

8550-0001	PRECAST BOX CULVERT	1	\$154,400.00	1	\$154,400.00	1	0	\$0.00	\$154,400.00	\$0.00	\$0.00
8550-0001	PRECAST INLET SECTION	1	\$38,400.00	1	\$38,400.00	1	0	\$0.00	\$38,400.00	\$0.00	\$0.00
8550-0001	PRECAST OUTLET SECTION	1	\$36,700.00	1	\$36,700.00	1	0	\$0.00	\$36,700.00	\$0.00	\$0.00
8550-0001	BRONZE PLAQUE	1	\$500.00	1	\$500.00	1	0	\$0.00	\$500.00	\$0.00	\$0.00
9000-0001	EROSION AND SEDIMENTATION CONTROL	1	\$85,000.00	1	\$85,000.00	1	0	\$0.00	\$85,000.00	\$0.00	\$0.00
9000-0002	TOPSOIL SEED AND MULCH	200	\$24.00	200	\$4,800.00	560	0	\$0.00	\$13,440.00	(\$8,640.00)	\$0.00
9203-0101	TEMP EXCAVATION SUPPORT	1	\$73,303.63	1	\$73,303.63	1	0	\$0.00	\$73,303.63	\$0.00	\$0.00
C01	BRONZE PLAQUE INCREASED SIZE	1	\$480.00	1	\$480.00	1	0	\$0.00	\$480.00	\$0.00	\$0.00
C02	UNDERCUT CLASS 3 EXCAVATION		\$58.00			75.92	0	\$0.00	\$4,403.36	(\$1,403.36)	\$0.00
C02	UNDERCUT #1 STONE		\$72.00			37.98	0	\$0.00	\$2,734.56	(\$2,734.56)	\$0.00
C02	UNDERCUT 2A SUBBASE		\$13.20			227.8	0	\$0.00	\$3,006.96	(\$3,006.96)	\$0.00
C02	UNDERCUT GEOTEXTILE		\$1.15			\$227.80	0	\$0.00	\$261.97	(\$261.97)	\$0.00
C03	GROUT RIP RAP		\$4,250.00			\$1.00	0	\$0.00	\$4,250.00	(\$4,250.00)	\$0.00
	GRAND TOTALS				\$738,809.03			\$0.00	\$758,267.58	(\$19,458.55)	\$0.00

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December 31, 2019

Robert Pingar, Township Manager
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

RE: Ducklings Daycare
Escrow Release #2
Westtown Township
WTT-18-188

Dear Mr. Pingar,

CEDARVILLE Engineering Group, LLC (CEG) is in receipt of an escrow release request from the developer of the referenced site. The following has been submitted for review:

- Escrow release request email from Lauren Duffy, of TAG Builders, Inc., dated December 10, 2019 requesting a release in the amount of \$210,945.90.

Based upon ongoing inspections of the site, CEG recommends the Township release the amount of **\$145,182.20** for improvements only, based on the approved Financial Security Agreement. The signed Construction Escrow spreadsheet has been enclosed, with a summary of discrepancies referenced below. CEG is in agreement with all items not listed below and recommends the full amount requested for each of these items be released.

1. Item 4.9 – Rain Garden: A release of \$0.00 is recommended, representing 0% of the amount requested by the developer and 0% of the amount required for completion due to the rain garden not being constructed.
2. Item 5.1 – Parking Lot Paving: A release of \$124,457.20 is recommended, representing 83% of the amount requested by the developer and 51% of the amount required for completion. This amount represents the current pavement quantity placed at the site with paving work continuing for the remaining undeveloped portion of the property.
3. CEG recommends that 10% of the original ESCROW amount be withheld until project completion in accordance the Pennsylvania Municipalities Planning Code.

Initial Escrow	\$620,859.83
Previous Escrow Releases	\$176,938.23
Escrow Release Recommended	\$145,182.20
Remaining Escrow Balance	\$298,739.40

Please feel free to contact us with any questions.

CEDARVILLE Engineering Group, LLC
159 E. High Street, Suite 500
Pottstown, PA 19464

P: 610-705-4500
F: 610-705-4900
www.cedarvilleeng.com



Best Regards,
CEDARVILLE Engineering Group, LLC

Kyle R. Turner, P.E.
Project Engineer

Enclosures

cc: JoAnne Grube, Westtown Township Director of Finance
Patrick M. McKenna, Esq., Township Solicitor
Robert E. Flinchbaugh, P.E., CEDARVILLE Engineering Group, LLC
Tom Galbally, TAG Builders, Inc.
Lauren G. Duffy, TAG Builders, Inc.

Ducklings Daycare - Site Improvements

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT COST	UNIT TOTAL	TOTAL PAST RELEASES QUANTITY	TOTAL PAST RELEASES TOTAL	CURRENT ESTIMATE QUANTITY	CURRENT ESTIMATE TOTAL	TOTAL RELEASED TO DATE QUANTITY	TOTAL RELEASED TO DATE TOTAL	TOTAL REMAINING QUANTITY	TOTAL REMAINING TOTAL
1.0	DEMO												
1.1	MOBILIZATION	1	LS	\$3,700.00	\$3,700.00	100%	\$3,700.00	0%	\$0.00	100%	\$3,700.00	0%	\$0.00
1.2	CLEARING AND GRUBBING	1	LS	\$6,000.00	\$6,000.00	100%	\$6,000.00	0%	\$0.00	100%	\$6,000.00	0%	\$0.00
2.0	EARTHWORK												
2.1	CONSTRUCTION LAYOUT	1	LS	\$3,700.00	\$3,700.00	50%	\$1,850.00	0%	\$0.00	50%	\$1,850.00	50%	\$1,850.00
2.2	TOPSOIL - STRIP AND STOCKPILE ON SITE	494	CY	\$2.50	\$1,235.00	100%	\$1,235.00	0%	\$0.00	100%	\$1,235.00	0%	\$0.00
2.3	TOPSOIL - REMOVE TO BORROW PIT	2010	CY	\$2.50	\$5,025.00	100%	\$5,025.00	0%	\$0.00	100%	\$5,025.00	0%	\$0.00
2.4	TOPSOIL - STRIP AND TOPSOIL ON SITE FOR REUSE	1725	CY	\$2.50	\$4,312.50	100%	\$4,312.50	0%	\$0.00	100%	\$4,312.50	0%	\$0.00
2.5	CUT TO FILL	6870	CY	\$3.00	\$20,610.00	100%	\$20,610.00	0%	\$0.00	100%	\$20,610.00	0%	\$0.00
2.6	TOPSOIL RESPREAD	703	CY	\$11.00	\$7,733.00	50%	\$3,866.50	0%	\$0.00	50%	\$3,866.50	50%	\$3,866.50
2.7	GRADING	131571	SF	\$0.08	\$10,525.68	75%	\$7,894.26	0%	\$0.00	75%	\$7,894.26	25%	\$2,631.42
3	EROSION CONTROL												
3.1	CONSTRUCTION ENTRANCE	1	EA	\$1,200.00	\$1,200.00	100%	\$1,200.00	0%	\$0.00	100%	\$1,200.00	0%	\$0.00
3.2	TREE PROTECTION FENCE	199	LF	\$1.40	\$278.60	100%	\$278.60	0%	\$0.00	100%	\$278.60	0%	\$0.00
3.3	12" SILT SOCK	53	LF	\$5.25	\$278.25	100%	\$278.25	0%	\$0.00	100%	\$278.25	0%	\$0.00
3.4	24" SILT SOCK	68	LF	\$14.50	\$986.00	100%	\$986.00	0%	\$0.00	100%	\$986.00	0%	\$0.00
3.5	INLET PROTECTION	8	EA	\$91.00	\$728.00	38%	\$276.64	0%	\$0.00	38%	\$276.64	62%	\$451.36
3.6	TEMPORARY AND PERMANENT SEEDING AND MATTING	1	LS	\$5,000.00	\$5,000.00	50%	\$2,500.00	0%	\$0.00	50%	\$2,500.00	50%	\$2,500.00
4	STORMWATER MANAGEMENT												
4.1	CONCRETE TYPE C INLET BOX	4	EA	\$3,000.00	\$12,000.00	75%	\$9,000.00	0%	\$0.00	75%	\$9,000.00	25%	\$3,000.00
4.2	CONCRETE TYPE M INLET BOX	1	EA	\$3,000.00	\$3,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00	100%	\$3,000.00
4.3	PRECAST MANHOLE	1	EA	\$2,000.00	\$2,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00	100%	\$2,000.00
4.4	15" HDPE PIPE W/ STONE BEDDING, 1' STONE BACKFILL AND SI	406	LF	\$64.00	\$25,984.00	96%	\$24,944.64	0%	\$0.00	96%	\$24,944.64	4%	\$1,039.36
4.5	6" PVC SDR35, W/ STONE BEDDING, 1' STONE BACKFILL AND SI	47	LF	\$40.00	\$1,880.00	100%	\$1,880.00	0%	\$0.00	100%	\$1,880.00	0%	\$0.00
4.6	RECHARGE BED A (INCLUDING STRUCTURES)	1	LS	\$50,000.00	\$50,000.00	100%	\$50,000.00	0%	\$0.00	100%	\$50,000.00	0%	\$0.00
4.7	RECHARGE BED B (INCLUDING STRUCTURES)	1	LS	\$55,000.00	\$55,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00	100%	\$55,000.00
4.8	CONNECTION TO EXISTING	1	LS	\$3,800.00	\$3,800.00	50%	\$1,900.00	0%	\$0.00	50%	\$1,900.00	50%	\$1,900.00
4.9	RAIN GARDEN	1	LS	\$12,000.00	\$12,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00	100%	\$12,000.00
5	Paving												
5.1	PARKING LOT PAVING (6" STONE, 4" BINDER, 1.5" WEARING)	6064	SY	\$40.00	\$242,560.00	0%	\$0.00	51%	\$124,457.20	51%	\$124,457.20	49%	\$118,102.80
5.2	PAVEMENT RESTORATION TO CONNECT TO ROAD	1	LS	\$2,500.00	\$2,500.00	100%	\$2,500.00	0%	\$0.00	100%	\$2,500.00	0%	\$0.00
5.3	EMERGENCY ACCESS ROAD - 6" 2A SAND	1537	SF	\$2.00	\$3,074.00	0%	\$0.00	100%	\$3,074.00	100%	\$3,074.00	0%	\$0.00
5.4	EMERGENCY ACCESS ROAD - PAVERS	190	SY	\$60.00	\$11,400.00	0%	\$0.00	100%	\$11,400.00	100%	\$11,400.00	0%	\$0.00
6	CONCRETE												
6.1	8" CONCRETE CURB	2747	LF	\$18.00	\$49,446.00	54%	\$26,700.84	0%	\$0.00	54%	\$26,700.84	46%	\$22,745.16
6.2	CONCRETE SIDEWALK W/ 4" 2A STONE	754	SF	\$8.00	\$6,032.00	0%	\$0.00	60%	\$3,621.00	60%	\$3,621.00	40%	\$2,411.00
7	ONSITE SIGNS & STRIPING												
7.1	SIGNAGE AND PAVEMENT MARKINGS	1	LS	\$2,800.00	\$2,800.00	0%	\$0.00	50%	\$1,400.00	50%	\$1,400.00	50%	\$1,400.00
7.2	BOLLARDS	2	EA	\$615.00	\$1,230.00	0%	\$0.00	100%	\$1,230.00	100%	\$1,230.00	0%	\$0.00
8	SURVEY												
8.1	CONCRETE MONUMENTS	4	EA	\$250.00	\$1,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00	100%	\$1,000.00
8.2	IRON PINS	8	EA	\$175.00	\$1,400.00	0%	\$0.00	0%	\$0.00	0%	\$0.00	100%	\$1,400.00
8.3	AS-BUILT SURVEY	1	LS	\$6,000.00	\$6,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00	100%	\$6,000.00
SUBTOTAL						\$564,418.03	\$176,938.23	\$145,182.20	\$322,120.43	\$322,120.43	\$322,120.43	\$0.00	\$242,297.60
10% CONTINGENCY						\$56,441.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$56,441.80
TOTAL CONSTRUCTION COST						\$620,859.83	\$176,938.23	\$145,182.20	\$322,120.43	\$322,120.43	\$322,120.43	\$0.00	\$298,739.40
CURRENT ESTIMATE						\$176,938.23	\$145,182.20	\$145,182.20	\$145,182.20	\$145,182.20	\$145,182.20	\$0.00	\$298,739.40

BY: CEDARVILLE Engineering Group, LLC

RECOMMENDED FOR RELEASE: *Kyle R. [Signature]* DATE: 12/31/19

CEDARVILLE Engineering Group, LLC

COMPLETED TO DATE
 PREVIOUS RELEASES
 RELEASE

ORDINANCE 2020-03

**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.⁵
 - 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 1st 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 _____, 2020.

ATTEST:

WESTTOWN TOWNSHIP

Secretary

Richard Pomerantz, Chair

Carol R. De Wolf, Vice Chair

Scott E. Yaw, Police Commissioner

ORDINANCE NO. 2020-01

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, REPEALING AND RESCINDING ORDINANCE NO. 2019-05.

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. Ordinance No. 2019-05, which was approved by the Board of Supervisors of Westtown Township on August 19, 2019, is hereby repealed and rescinded in its entirety.

SECTION 2. It is the intention of the Board of Supervisors that Chapter 170, Zoning, of the Code of Westtown Township, remains in full force and effect as it was prior to the passage of Ordinance No. 2019-05.

SECTION 3. 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 Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

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

ENACTED AND ORDAINED this _____ day of _____, 20_____.

ATTEST:

WESTTOWN TOWNSHIP

Secretary

Richard D. Pomerantz, Chair

Carol R. De Wolf, Vice Chair

Scott E. Yaw, Esq., Police Commissioner

ORDINANCE NO. 2020-02

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING CHAPTER 45,
ALARM SYSTEMS, OF THE CODE OF
WESTTOWN TOWNSHIP REGARDING THE
FALSE ALARM FEE SCHEDULE.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 45, Alarm Systems, of the Code of Westtown Township, as amended, be amended as follows:

SECTION 1. Chapter 45, Alarm Systems, §45-2, Definitions, shall be amended to read as follows:

False Alarm An alarm received by Chester County 911 activated by inadvertence, negligence, or an unintentional act, including the malfunction of the alarm system; the intentional activation of a hold-up alarm for other than a hold-up in progress; the intentional activation of a burglary alarm for other than a burglary in progress; or the intentional activation of a medical alarm for other than a medical emergency. A false alarm shall not include alarms which are activated as a result of acts of God, such as earthquakes, floods, windstorms, thunder or lightning, or as a result of the testing or repairing of telephone or electrical lines or equipment outside of the premises.

False Fire Alarm An alarm received by Chester County 911 activated by inadvertence, negligence, or an unintentional act, including the malfunction of the fire alarm system; the activation of a fire alarm for other than an actual fire. A false fire alarm shall not include alarms which are activated as a result of acts of God, such as earthquakes, floods, windstorms, thunder or lightning, or as a result of the testing or repairing of telephone or electrical lines or equipment outside of the premises.

SECTION 2. Chapter 45, Alarm Systems, §45-6, Disconnection due to malfunctioning, Paragraph C, shall be amended to read as follows:

C. For purposes of this provision, two or more false alarms or false fire alarms within any thirty-day period shall be sufficient evidence for the Township to determine that the alarm system is malfunctioning.

SECTION 3. Chapter 45, Alarm Systems, §45-11, False alarm fee schedule, Paragraphs A, B and C, shall be amended to read as follows:

§45-11 False alarm and false fire alarm fee schedule.

- A. For the purpose of defraying the costs to the Police Department and/or Fire Department for responding to false alarms and false fire alarms, a false alarm and false fire alarm fee schedule shall be established by the Board of Supervisors by resolution from time to time. The owner, lessee or user of any alarm system shall be bound by the terms of this chapter, including the payment of false alarm and false fire alarm fees.
- B. False alarm and false fire alarm fees shall be charged based upon the number of false alarms or false fire alarms, respectively, occurring per rolling twelve-month period (i.e., with respect to any date of determination, the month most recently ended and the eleven (11) immediately preceding months for which, in each case, false alarm and/or false fire alarm records are available, considered as a single period).
- C. Each such payment provided for in this section shall be a civil claim by the Township and is in addition to and shall not affect the penalty provisions prescribed in §45-12.

SECTION 4. Chapter 45, Alarm Systems, §45-12, Violations and penalties, shall be amended to read as follows:

- A. Any person who violates any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before the District Justice, be guilty of a summary criminal offense and shall be subject to the payment of a fine in an amount not more than \$1,000, plus the costs of prosecution. Upon default payment hereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 30 days. Each section or provision of this chapter that is violated shall constitute a separate offense and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not more than \$1,000 plus the costs of prosecution, and upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days.
- B. Any person found guilty of misuse, false activation or continual accidental activation of an automatic protection device shall be liable for a fine of not more than one thousand dollars (\$1,000.00), plus the costs of prosecution, for each and every such activation. Such fine and costs shall be collectible before any District Justice as like fines and penalties are now by law collectible.

SECTION 5. 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 Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 7. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this _____ day of _____, 2020

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Richard Pomerantz, Chair

Carol De Wolf, Vice Chair

Scott E. Yaw, Police Commissioner

Attest:

Robert R. Pingar, Secretary

Check Register**Westtown Township**

17-Jan-20

From: 07-Jan-20 To: 21-Jan-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 1 GENERAL FUND					
15376	1/7/2020	419	PA Department of Transportati	\$179,843.18	O
15377	1/9/2020	405540	Albert Federico Consulting, LL	\$937.50	O
15378	1/9/2020	466	Am Public Works Association	\$208.00	O
15379	1/9/2020	1009	Ann Marie Cassidy	\$850.00	O
15380	1/9/2020	406146	Atlas Flasher and Supply Co, I	\$472.50	O
15381	1/9/2020	765	CCSIGA/P.Coleman, Treasure	\$55.00	O
15382	1/9/2020	7266	Chester County Engineers	\$200.00	O
15383	1/9/2020	1082	ELEANOR J. SCHWANDT, R	\$464.50	O
15384	1/9/2020	31	Gawthrop Greenwood, Attorn	\$19,790.23	O
15385	1/9/2020	5598	GFOA-PA	\$75.00	O
15386	1/9/2020	127	In-Fleet Truck Service	\$2,536.02	O
15387	1/9/2020	878	Intercon Truck Equipment	\$43.15	O
15388	1/9/2020	46	JoAnne Grube	\$90.48	O
15389	1/9/2020	1061	McCormick Taylor	\$2,870.00	O
15390	1/9/2020	15	Office Basics, Inc.	\$206.21	O
15391	1/9/2020	5954	Pamela Coleman	\$41.53	O
15392	1/9/2020	314	Proforma Print Marketing	\$419.11	O
15393	1/9/2020	905	PRPS	\$120.00	O
15394	1/9/2020	220	PSATS	\$2,795.00	O
15395	1/9/2020	6074	Robert Pingar	\$268.78	O
15396	1/9/2020	406147	Traffic Safety Store	\$333.90	O
15398	1/14/2020	5428	Dept of the Auditor General	\$22,120.02	O
15399	1/15/2020	222	Brandywine Valley SPCA	\$295.00	O
15400	1/15/2020	7191	Code Inspections Inc	\$13,593.14	O
15401	1/15/2020	960	CONTRACTORS CHOICE	\$79.29	O
15402	1/15/2020	1162	Fastenal Company	\$32.76	O
15403	1/15/2020	885	Ronald M. Agulnick, Attorney	\$1,250.00	O
15404	1/15/2020	406144	Stacey Automotive	\$5,632.08	O
15405	1/15/2020	980	USPS- Postmaster	\$1,391.22	O
			Bank Total:	\$257,013.60	
Bank Account: 8 WASTEWATER FUND					
3428	1/7/2020	980	USPS- Postmaster	\$1,607.90	O
3429	1/10/2020	6468	Carroll Engineering Corp	\$8,262.19	O
3430	1/10/2020	5666	M&B Environmental, Inc.	\$3,333.81	O
3431	1/10/2020	1196	McGovern, Inc.	\$4,773.75	O
3432	1/10/2020	1196	McGovern, Inc.	\$265.00	O
3433	1/10/2020	5709	Portnoff Law Associates, Ltd	\$547.20	O
3434	1/10/2020	314	Proforma Print Marketing	\$842.85	O

Check Register**Westtown Township**

17-Jan-20

From: 07-Jan-20 To: 21-Jan-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Total:				\$19,632.70	
Bank Account: 18 CAPITAL PROJECTS FUND					
1199	1/8/2020	61	West Goshen Township (WW	\$575,931.13	O
Bank Total:				\$575,931.13	
Total Of Checks:				\$852,577.43	
