



Township of Concord

DELAWARE COUNTY

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TOWNSHIP OF CONCORD COUNTY OF DELAWARE, PENNSYLVANIA

ORD. NO. 411

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF CONCORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

Be it enacted and ordained by the Township Council of the Township of Concord, County of Delaware, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE I Adoption of Code

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1601(d) of the Second Class Township Code [53 P.S. § 66601(d)], the codification of a complete body of legislation for the Township of Concord, County of Delaware, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 214, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Concord, which shall be known and is hereby designated as the "Code of the Township of Concord," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Township Council of the Township of Concord, and it is the intention of said Township Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the

provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of legislation not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Township of Concord and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-3. Inconsistent legislation repealed.

- A. Repeal of inconsistent ordinances. Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Concord which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific ordinances. The Township Council of the Township of Concord has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Chapter 7, Authorities, Municipal, Article I, Sewer Authority, of the 1998 Code, adopted 9-4-1973 by Ord. No. 82.
 - (2) Chapter 13, Council of Governments, of the 1998 Code, adopted 1-7-1991 by Ord. No. 175.
 - (3) Chapter 82, Part 1, Adoption of Codes, of the 1998 Code, adopted 9-1-1998 by Ord. No. 224.
 - (4) Chapter 93, Dumping, of the 1998 Code, adopted 8-8-1946 by Ord. No. 2.
 - (5) Chapter 138, Sex Offenders, Art. I, Residency Restrictions, of the 1998 Code, adopted 5-29-2007 by Ord. No. 312.
 - (6) Chapter 170, Taxation, Art. VI, Tax Exemptions for Improvements, of the 1998 Code, adopted 5-1-2001 by Ord. No. 258.
 - (7) Chapter 196, Water Conservation, of the 1998 Code, adopted 6-2-1992 by Ord. No. 184.

§ 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal

of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to Cutoff.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Township.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Township or setting the bond of any officer or employee.

- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Township.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.
- T. Chapter 47, Personnel Policies, of the 1998 Code, adopted 1-4-1986 by Ord. No. 151, as amended.
- U. Chapter 98, Excavation and Soil Removal, of the 1998 Code, adopted 4-1-1968 by Ord. No. 46.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Nonsubstantive changes.

In compiling and preparing the ordinances of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Township Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

§ 1-6. Changes and revisions in previously adopted legislation; new provisions.

- A. Nonsubstantive changes. In compiling and preparing the ordinances and resolutions of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Township Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Township Council, and it is the intent of the Township Council that all such changes be adopted as part of the Code as if the legislation so changed had

been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

C. Nomenclature changes and revisions.

- (1) The terms "Board of Supervisors" and "the Board" (insofar as such term is used to refer to the Board of Supervisors) are changed to "Township Council"; the term "Supervisors" is changed to "Council members."
- (2) The terms "Justice of the Peace," "District Justice," "District Magistrate" and "Magistrate" are changed to "Magisterial District Judge."
- (3) The term "Department of Community Affairs" is changed to "Department of Community and Economic Development."
- (4) References to the U.S. Department of Agriculture's "Soil Conservation Service" or "SCS" are changed to "Natural Resources Conservation Service" or "NRCS," respectively.
- (5) The term "Department of Environmental Resources" is changed to "Department of Environmental Protection."
- (6) The term "Department of Public Welfare" is changed to "Department of Human Services."
- (7) The term "Department of Highways" is changed to "Department of Transportation."

§ 1-7. Interpretation of provisions.

- A. Minimum requirements; greater restrictions. In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.
- B. Pronouns and masculine words. Where masculine or feminine pronouns or masculine suffixes are used in this Code, such use is solely for the sake of brevity. Unless context requires otherwise, the provisions of this Code shall be interpreted as gender-neutral, and words in this Code and ordinances adopted by the Township referring to the masculine or feminine gender, as well as words using masculine suffixes, shall be construed to refer to all such persons, without regard to a specific individual's gender or gender identity.

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Manager and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Township Manager, as provided by law, and such certified copy or copies shall remain on file in the office of the Township Manager, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Township Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Township Manager or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Township Manager for the use of the public. All changes in said Code and all legislation adopted by the Township Council subsequent to the effective date of this codification which the Township Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Township Manager, pursuant to law, shall cause to be published in the manner required a notice of the introduction of the Code in a newspaper of general circulation in the Township. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Township to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 1-14. Severability.


The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Township Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect five days after adoption of this ordinance.

ENACTED AND ORDAINED by the Township Council of the Township of Concord this
13th day of May 2025.

Attest:



Township Manager

TOWNSHIP OF CONCORD

BY: John J. Gillespie
Council Vice President

Township of Concord
Code Adoption Ordinance
Schedule A

Specific Revisions at Time of Adoption of Code

Chapter 4, Administration of Government.

Article VI, Borrowing Procedures.

Section 4-25 is amended to update the statute cited.

Article VII, Budget; Classification of Accounts.

A. Section 4-26 is added to read as follows:

The format of the proposed budget shall, at a minimum:

A. Be a line item budget structured by administrative unit or budgetary function, and meet current recognized best practices.

B. Provide comparative figures on actual year-to-date and estimated remaining revenues and other sources of income and expenditures and other uses for the current fiscal year as well as actual figures for at least the preceding two fiscal years.

C. Enumerate proposed capital expenditures by project and, where practical, by administrative unit or budgetary function, identify the method of financing each capital expenditure.

B. Section 4-27 is amended to delete miscellaneous wording: "shall include those."

Article VIII, Tax Collection Procedures.

A. Section 4-31 is amended to read as follows:

The Tax Collector(s) shall collect all taxes and fees as duly authorized by Council, including but not limited to: county, school district, Township real estate taxes, amusement taxes and local services taxes. The Township may negotiate with the Garnet Valley School District for the collection of taxes levied by the District.

B. Section 4-32 is amended to delete reference to a repealed statute.

Article IX, Financial Policy.

A. Section 4-35A(4) is amended as indicated: "...in support of our the Township's annual budget..."

B. Section 4-35B is amended as indicated: "...for nonrepetitive expenditures as they represent such fund represents prior year surpluses..."

Chapter 19, Fire Officials.

The chapter is amended in its entirety to read as follows:

§ 19-1. Appointment; powers and duties; compensation.

A. The Concord Township Fire Marshal shall be appointed by the Township Council for a term of one year at the Council's annual reorganization meeting conducted on the first Monday of January of each year. The Fire Marshal shall report to the Township Council and Township Manager, and the duties and responsibilities of the position shall include:

- (1) Administration and coordination of fire investigations to determine the causes of fires in the Township;*
- (2) Initiating with the appropriate law enforcement officials investigation and action on any suspicious fires with which criminal activity may reasonably be suspected;*
- (3) Maintaining records of all fire alarms and fire calls, organized by classifications of types and location;*
- (4) Preparing and submitting to the Council, on a standardized reporting form, a monthly report on all fires, investigations, inspections and other activities of the office, which report shall contain data for the current month just ending and the year-to-date and comparable data for the current month and year-to-date in the preceding year;*
- (5) Assisting the Township Building Inspector, when requested by such officer, in inspections for violations of regulations where risk and other fire prevention matters are involved; and dissemination of informational pamphlets, news releases and articles within the appropriations available for such purposes;*
- (6) Conducting fire prevention programs for community groups, including the publication and dissemination of informational pamphlets, news releases and articles within the appropriations available for such purposes;*
- (7) Ensuring proper training for such assistants as the Council may authorize for the functions and duties of the office;*
- (8) Maintaining liaison with and keeping the Council informed of the capabilities and needs of all fire companies serving the Township; and*
- (9) Such other duties as may be assigned to the Fire Marshal by Township ordinance or other law or by the Council.*

B. The compensation of the Concord Township Fire Marshal shall be set forth as part of the annual budget ordinance adoption of the Township Council.

§ 19-2. Appointment; powers and duties; compensation.

A. The Concord Township Deputy Fire Marshal shall be appointed by the Township Council for a term of one year at the Council's annual reorganization meeting conducted on the first Monday of January of each year. The Deputy Fire Marshal shall report to the Fire Marshal (or, in his absence, to the Township Manager), and the duties and responsibilities of the position shall include the following:

- (1) Assisting the Fire Marshal in the performance of the duties and responsibilities of the office; and*

(2) Acting as Fire Marshal in the latter's absence.

B. The compensation of the Concord Township Deputy Fire Marshal shall be set forth as part of the annual budget ordinance adoption of the Township Council.

Chapter 21, Intergovernmental Cooperation.

Article I, PSATS Unemployment Compensation Group Trust.

- A. Section 21-1A is amended to change "Chairman of the Board of Supervisors" to "Council President."
- B. Section 21-4 is amended as indicated: "...provided that ~~it~~ the Township has fulfilled all its financial obligations..."
- C. Section 21-5 is amended to read as follows:

The effective date of the Township's agreement to join and joinder in the restated trust agreement as well as the Township's participation in the Trust pursuant to the terms of the restated trust agreement will be immediate.

Article II, Pennsylvania Townships Health Insurance Cooperative Trust.

- A. Section 21-19A is amended to change "Chairman of the Board of Supervisors" to "Council President."
- B. Section 21-22 is amended as indicated: "...provided that ~~it~~ the Township has fulfilled all its financial obligations..."
- C. Section 21-23 is amended to read as follows:

The effective date of the Township's agreement to join and joinder in the restated trust agreement as well as the Township's participation in the Trust pursuant to the terms of the restated trust agreement will be immediate.

Article III, Delaware Valley Health Trust.

Section 21-46 is amended as indicated: "...group insurance and employee benefits for any of ~~its employees~~ the Trust's beneficiaries."

Chapter 29, Manager.

The chapter is amended in its entirety to read as follows:

§ 29-1. Township Manager.

The Township Manager shall serve at the pleasure of Council and shall serve as the chief administrative officer of government and be responsible for the administration of all Township operations placed in the Manager's charge by the Township Home Rule Charter, the Administrative Code and Township ordinances or resolutions. The Township Manager shall devote full time to the office.

§ 29-2. Appointment and qualifications.

The Township Manager shall be appointed by resolution of Council adopted by an affirmative vote of at least a majority of Council. The Township Manager shall be appointed on the basis of executive abilities and administrative qualifications as evidenced by professional preparation, training, and experience in public administration, finance, and/or

other fields that demonstrate substantial ability to perform the functions of Township Manager.

§ 29-3. Compensation.

The terms of employment of the Township Manager shall be set by resolution of Council adopted by an affirmative vote of at least a majority of Council.

§ 29-4. Prohibitions.

During the time a Township Manager holds this position, the Township Manager shall not:

- A. Hold elective public office;*
- B. Hold other public employment;*
- C. Serve as a member of a Township authority, board, or commission, except as may be allowed by the Home Rule Charter;*
- D. Be employed or compensated by any individual or business serving as a contractor to the Township or any Township authority, board, or commission;*
- E. Serve as a paid consultant for the Township or any Township authority, board, or commission; or*
- F. Actively engage in any other business or occupation during normal Township business hours.*

§ 29-5. Removal.

Council may suspend the Township Manager pending removal. The Township Manager may only be removed by an affirmative vote of at least a majority of Council. Council shall promptly notify the Township Manager of any such suspension or removal in writing.

§ 29-6. Acting Township Manager.

The Township Manager shall designate an employee from among the Township's administrative officials who shall serve as Acting Township Manager and exercise the powers and duties of the Township Manager during the Township Manager's suspension, temporary absence, incapacity, or inability to serve. The designation shall be in the form of a letter filed annually with Council, and it may be changed by the Township Manager at any time by filing a new letter. If the Township Manager fails to make such a designation, the designated individual is unable to serve, or Council for any reason wishes to change the Township Manager's designation, Council by resolution adopted by an affirmative vote of at least a majority of Council may designate an Acting Township Manager from among the Township's administrative officials. Council may change its designation at any time.

§ 29-7. Powers and duties.

The Township Manager shall have and may exercise such executive and administrative powers and duties as are conferred or imposed by the Concord Township Home Rule Charter, the Administrative Code, other Township ordinances or resolutions, and those generally conferred upon township governments in the Commonwealth of Pennsylvania by applicable law to the extent they are not inconsistent with the provisions, spirit, and purpose of Concord's Home Rule Charter. Specifically, the Township Manager shall:

A. See that all relevant laws, provisions of the Home Rule Charter, ordinances, resolutions, all policies and other actions of Council for the administration of Township operations are faithfully executed.

B. Supervise and direct, or delegate the power to supervise and direct, the administration, operation, and the internal organization of the administrative units of the Township government.

C. Appoint, promote, discipline, suspend, and remove, or delegate the power to appoint, promote discipline, suspend, and remove all Township employees subject to the terms and conditions of the Administrative Code, Township personnel policies, applicable labor contracts, and applicable laws.

D. Prepare or cause to be prepared the annual budget and the long-range operational, fiscal and capital plans and submit them to Council for its consideration in accordance with the provisions of the Home Rule Charter.

E. Prepare or cause to be prepared the Administrative Code and submit it to Council for consideration in accordance with the provisions of the Home Rule Charter.

F. Keep Council informed as to the financial condition of the Township and the activities and operations of the administrative units of the Township government.

G. Present an annual "State of the Township" report at a meeting of Council within 60 days after the close of the fiscal year.

H. Represent the Township in intergovernmental relationships, in meetings and negotiations with the heads of other governmental or quasi-governmental bodies, and in matters relating to economic development.

Chapter 41, Park and Recreation Board.

Section 41-2 is amended to change "representative of the Board of Supervisors" to "member of the Township Council."

Chapter 53, Planning Commission.

The chapter is amended in its entirety to read as follows:

§ 53-1. Establishment.

A Planning Commission consisting of seven members is hereby created and established for Concord Township, Delaware County, Pennsylvania, pursuant to the provisions of Article II, Section 201, of the Pennsylvania Municipalities Planning Code, as established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.¹

§ 53-2. Composition; terms of office.

The Planning Commission shall be comprised of seven members, who shall be appointed for terms of office of four years, or until a successor is appointed and qualified, except that the terms of original members shall be so fixed at the time of appointment so that no more than three members shall be reappointed or replaced during any future calendar year. All of the members of the Planning Commission shall be residents of the municipality. On all planning commissions appointed pursuant to the Municipalities Planning Code,² a certain number of the members, designated as citizen members, shall not be officers or employees of the municipality. On a commission of seven members, at

least five shall be citizen members. Members shall be appointed by Township Council and shall receive compensation for attending hearings and for the performance of their duties at a rate not to exceed \$1,200 per annum, payable quarterly at a rate of \$100 per month, or at such compensation as may be established by the Township Council by resolution. Vacancies in the office of any member shall be filled by the Township Council for the unexpired term.

§ 53-3. Powers and duties.

The Planning Commission shall have all the powers and duties conferred and imposed upon it as set forth in the Pennsylvania Municipalities Planning Code, established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

Chapter 56, Salaries and Compensation.

Article I, Council Members.

This article is amended in its entirety to read as follows:

§ 56-1. Compensation.

A. Council shall have the power to fix the annual salary of its members by ordinance. No increase in salary shall become effective for any member of Council until commencement of a new term of office, and any change in salary must be adopted by ordinance by Council at least 12 months prior to the commencement of a new term.

B. The maximum salary of the members of Council shall be that set forth in the Second Class Township Code for a township of identical population, as the same may be amended from time to time.

Chapter 70, Adult Entertainment.

Article I, Display, Sale and Distribution of Obscene Materials.

A. Section 70-2A is amended to read as follows:

Offenses defined.

(1) No person, knowing the obscene character of the materials or performances involved, shall, within the Township of Concord:

(a) Display or cause or permit the display of any explicit sexual materials as defined in Subsection C in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion-picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare; nor shall the same be displayed in any business or commercial establishment where minors, as a part of the general public or otherwise, are or will probably be exposed to view all or any part of such materials;

(b) Sell, lend, distribute, exhibit, give away or show any obscene materials to any person under the age of 18 years; offer to sell, lend, distribute, exhibit or give away or show or have in his possession with intent to sell, lend, distribute, exhibit or give away or show any obscene materials to any person under the age of 18 years; or knowingly advertise any obscene materials in any manner;

(c) Hire, employ, use or permit any minor child to do or assist in doing any act or thing mentioned in this subsection.

(2) Pursuant to 18 Pa.C.S.A. § 5903(a.1). Dissemination of explicit sexual material via an electronic communication, no person, knowing the content of the advertisement to be explicit sexual materials as defined in Subsection C(1) and (2), shall transmit or cause to be transmitted an unsolicited advertisement in an electronic communication as defined in 18 Pa.C.S.A. § 5702 (relating to definitions) to one or more persons within this commonwealth that contains explicit sexual materials as defined in Subsection C(1) and (2) without including in the advertisement the term ADV-ADULT at the beginning of the subject line of the advertisement.

B. In § 70-2B:

(1) The definition of "community" is amended as indicated: "...the term "community" means the state Concord Township."

(2) The definition of "material" is amended as indicated: "...bumper sticker, comic book or writing, including electronic messaging; or any figure..."

C. Section 70-2D is amended as indicated: "... for any person knowingly to exhibit, whether for monetary consideration or not, to a minor or knowingly to admit a minor, whether for a monetary consideration or not, to premises..."

D. In § 70-2E:

(1) The definition of "nudity" is amended as indicated: "...portion thereof below the top of the nipple, ~~or the depiction of covered male genitals in a discernibly turgid state.~~"

(2) The definition of "sexual conduct" is amended to read as follows:

Acts of masturbation, sexual intercourse, sexual bestiality or indecent contact, as defined in 18 Pa.C.S.A. § 3101.

E. Section 70-2F is amended as indicated: "...image or any written, ~~or printed~~ or electronic matter or any article or instrument to purchase; or take by consignment for purposes of sale, resale or distribution any obscene literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, videotape, figure or image or any written, ~~or printed~~ or electronic matter of an obscene nature..."

F. Section 70-4 is amended to read as follows:

A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution.

B. Any person who violates or permits the violation of any provision of this article shall pay the fine prescribed by this article, plus all court costs, including reasonable attorneys' fees, incurred by Concord Township. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days.

C. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

Article II, Establishments Serving Alcoholic Beverages.

- A. Section 70-7A is amended as indicated: "...dealing in alcoholic beverages. ~~For purposes of this subsection, the term "buttocks" shall include the area at the rear of the body which lies between two imaginary lines running parallel to the ground when a person is standing, the first or top such line drawn at the top of the cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom line drawn at the lowest visible point of this cleavage or the lowest point of the curvature of the fleshy protuberance, whichever is lower, and between two imaginary lines on each side of the body, which lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular lines are drawn through the point at which each nate meets the outer side of each leg. This article would be violated...~~"
- B. Section 70-7C is amended as indicated: "...his or her genitals; ~~including, without limitation, the human male genitals in a discernibly turgid state, even if covered; pubic area; vulva; anus; anal cleft or cleavage; buttocks, as defined in Subsection A hereinabove; or any simulation...~~"
- C. Section 70-7E is amended as indicated: "...hereinabove, buttocks, ~~as that term is defined in Subsection A hereinabove, anus or genitals, including, without limitation, the human male genitals in a discernibly turgid state, even if covered; or the simulation ...~~"
- D. Section 70-7F is amended to read as follows:

No person shall cause and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition or availability of any graphic presentation, including photographs, pictures or the projection of film, which depicts human genitals, even if covered; pubic area; vulva; anus; anal cleft or cleavage; buttocks; female breast, as that term is defined in Subsection B hereinabove; sexual intercourse; masturbation; sodomy; bestiality; oral copulation; flagellation; any sexual act prohibited by law; the touching, caressing or fondling of the female breast, as that term is defined in Subsection B hereinabove, buttocks, anus or genitals, even if covered; scenes wherein artificial devices or inanimate objects are employed to depict or drawings are employed to portray any of the prohibited activities described in Subsections A through F, inclusive, hereinabove; or any simulation thereof within any establishment dealing in alcoholic beverages.

- E. Section 70-8 is amended to read as follows:

A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution.

B. Any person who violates or permits the violation of any provision of this article shall pay the fine prescribed by this article, plus all court costs, including reasonable attorneys' fees, incurred by Concord Township. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days.

C. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

Article III, Adult Entertainment Businesses.

- A. Section 70-9B is amended as indicated: "~~The Board of Supervisors has determined that~~ As zoning locational criteria alone does not adequately protect the health, safety and general welfare of the people of the Township, and ~~that~~ because licensing is a legitimate..."
- B. Section 70-9C is amended as indicated: "~~The Board of Supervisors does not intend this article~~ This article is not intended to suppress any speech..."
- C. Section 70-11A is amended to read as follows:

The definitions relating to adult entertainment businesses and/or uses in Chapter 210, Zoning, § 210-152C, are hereby adopted by reference and include the definitions of "adult arcade"; "adult bookstore, adult novelty store or adult video store"; "adult cabaret"; "adult motion-picture theater"; "adult theater"; "employee"; "escort"; "escort agency"; "establishment"; "nude model studio"; "nudity or a state of nudity"; "person"; "seminude or in a seminude condition"; "sexual encounter center"; "sexually oriented business"; "specified anatomical areas"; "specified sexual activities"; and "substantial enlargement."

- D. Section 70-14A, B and C are amended to delete fee amount and provide fee is "as set by resolution of the Township Council."
- E. Section 70-28 is amended to read as follows:
- A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution.*
- B. Any person who violates or permits the violation of any provision of this article shall pay the fine prescribed by this article, plus all court costs, including reasonable attorneys' fees, incurred by Concord Township. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days.*
- C. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.*

Chapter 76, Animals

Article I, Dogs Running at Large.

- A. Section 76-1 is amended to read as follows:

It shall be unlawful for the owner or custodian of any dog, whether licensed or not, to fail to keep such dog either confined within an enclosure, whether physical or electronic, from which it cannot escape, firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises of the owner or custodian, under the personal control of and in close proximity to said owner or custodian or, when engaged in lawful hunting, accompanied by and under the personal control of an owner or custodian.

- B. Section 76-2 is amended as indicated: "It shall be unlawful for the owner or custodian of any dog, at any time whatsoever, to permit such dog to leave its owner's property, to run at large and/or to cause any damage..."
- C. Section 76-4 is amended to add "or a Code Enforcement Officer of the Township."

D. Section 76-5 is amended as indicated: "...may deliver immediate possession of the dog to ~~him or his~~ said owner or owner's representative..."

E. Section 76-9A is amended to read as follows:

Any person who shall violate any provision of this article or who permits the violation of any provision of this article shall make reimbursement to the Township of Concord for any fees incurred in the transportation, boarding and/or handling by the SPCA or by detention of the Animal Control Officer, in addition to any fine imposed under this section.

F. Section 76-9C is amended to read as follows:

Any person who violates or permits the violation of any provision of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by Concord Township, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this article. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

Chapter 79, Bamboo.

Section 79-5 is amended to read as follows:

Any property owner or possessor of a property determined to have violated this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive, to enforce compliance herewith.

Chapter 82, Building Construction.

Article I, Contractors.

A. Section 82-5 is amended to read as follows:

No contractor shall be registered and no license shall become effective until the contractor pays to the Township a registration and license fee in an amount established from time to time by resolution, and provides a current copy of the contractor's insurance certificate. All contractors who are in good standing may be issued an annual renewal license on a calendar-year basis beginning January 1 of each year upon application and the payment of a license renewal fee, as set from time to time by resolution.

B. Section 82-6 is amended to read as follows:

Except as otherwise specifically exempted by the provisions of this article, no person shall act in the capacity of contractor unless authorized to do so by a valid registration and license issued in accordance with the provisions of this article. A decal and license card, to be supplied by the Code Enforcement Officer, indicating that the contractor is currently registered and licensed, shall be with the contractor on the job site in the course of all construction activities in the Township.

C. Section 82-7B is added to read:

State-licensed home improvement contractors shall submit a copy of their contractor's license and insurance certificate listing Concord Township as a certificate holder.

D. The last sentence in § 82-8B is amended to read as follows: "Said applicant must provide a current certificate of insurance to the Township, listing the Township as both additionally insured and certificate holder, written for a minimum policy of \$1,000,000 combined single limits covering said requirements."

E. Section 82-13 is amended to read as follows:

A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution.

B. Any person who violates or permits the violation of any provision of this article shall pay the fine prescribed by this article, plus all court costs, including reasonable attorneys' fees, incurred by Concord Township. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days.

C. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

Chapter 87, Buildings, Numbering of.

A. Section 87-2 is amended to add "or their designee."

B. Section 87-7 is amended to read as follows:

A. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution.

B. Any person who violates or permits the violation of any provision of this chapter shall pay the fine prescribed by this chapter, plus all court costs, including reasonable attorneys' fees, incurred by Concord Township. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days.

C. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

Chapter 90, Certificates of Use and Occupancy.

Section 90-7 is amended to read as follows:

Failure of any person, firm, partnership, corporation, association or governmental unit to comply with the regulations of this chapter may result in the following penalties:

A. Each violation continuing for a separate day after notice by the Township and each violation of any provision of this chapter shall constitute a separate and distinct violation subject to a fine of not more than \$600; and

B. Any person or entity who violates or permits the violation of any provision of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by Concord Township, pay the fine prescribed by this chapter, plus all court costs, including reasonable attorneys' fees, incurred by Concord Township.

Chapter 91, Construction Codes, Uniform.

The exhibits attached to this chapter are amended as follows:

Exhibit C: Subsection E. Chapter 7 is amended as follows:

Section 701.10 "All water and sewer piping shall be installed a minimum of three feet, zero inches below finished grade." ~~Chapter 6, Section 605.4 Water distribution pipe, is hereby amended to read as follows: All groundwater distribution systems shall be made of allowable material as listed within Table 3.5 of the American Standard National Plumbing Code, 1955. All such material must have current ASTM certifications. All aboveground water copper distribution systems shall be type L, and all below ground, type K. [Added 7-4-1968 by Ord. No. 50]~~

STANDARDS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS:

Remove/Delete - Section 8.3 Serial Distribution (along with associated subsections)

Remove/Delete - Section 8.4 Seepage Pits (along with associated subsections)

Chapter 104, Fire Hydrant Districts.

This chapter is amended in its entirety to remove all references to CWA and Bethel.

Chapter 112, Fire Prevention.

Article I, Fire Prevention Code.

This article is amended to read as follows:

§ 112-1. Adoption of standards by reference.

A. The "International Fire Code, (2018 Edition)," as published by the International Code Council, Inc., three copies of which are on file in the office of the Township of Concord, is hereby adopted as the Fire Prevention Code of the Township of Concord; for the protection of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Fire Code, (2018) Edition, Chapters 1 through 80, inclusive, and Appendixes B, D, E, F, G, H, and I, are hereby incorporated by reference, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, set forth in § 112-2 of this article.

B. In the event of a conflict between the provisions of this article and the Pennsylvania Construction Code, the Pennsylvania Construction Code shall control.

§ 112-2. Additions, insertions, and changes.

The following provisions of the 2018 Edition of the International Fire Code are hereby revised to read as follows:

A. Chapter 1, Section 101. GENERAL, Paragraph 101.1, Title.

101.1 Title. These regulations shall be known as the "Fire Code of Concord Township," hereinafter referred to as the "Fire Code."

B. Chapter 1, Section 104, General Authority and Responsibilities, Paragraph 104.1, Enforcement Officer.

It shall be the duty and responsibility of the Fire Marshal, the Deputy Fire Marshal, or the Assistant Fire Marshal to enforce the provisions of the Fire Code as herein set forth.

The designated Enforcement Officer of this Fire Code is herein referred to as the "Fire Code Official."

The Council of Concord Township, from time to time by Resolution, shall appoint a Fire Marshal, a Deputy Fire Marshal, and Assistant Fire Marshall, prescribe their duties and responsibilities and fix their compensation.

The duly appointed Fire Code Officials are hereby authorized to enforce the provisions of this Fire Code and shall have the authority to render interpretations of this Fire Code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this Fire Code and shall not have the effect of waving any requirements specifically provided in the Fire Code.

C. Chapter 1, Section 104, General Authority And Responsibilities, Paragraph 104.11.3 Systems and Devices.

Persons shall not render a system or device inoperative during an emergency unless by direction of the Fire Chief or Fire Department Official in charge of the incident. An activated fire alarm system shall not be reset until directed by the Fire Chief or Fire Department Official in charge.

D. Chapter 1, Section 110, Paragraph 110.4, Violation penalties.

110.4 Violation penalties. Persons who shall violate a provision of the Fire Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a summary offense punishable by a fine of not more than \$1,000 or imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall constitute a separate offense.

E. Chapter 3, General Requirements, Section 307, Open Burning.

307.1.1 Open Burning Prohibited.

1. Open burning of any material is prohibited except for open burning which meets all

of the following conditions:

1.1 Material is vegetation in an unmanufactured state.

1.2 Material is from the property where the burning takes place.

1.3 Burning is by the resident of the property where the burning takes place.

1.4 Burning is during daylight hours.

1. Burning is on the first Saturday or the third Saturday of the month, except no burning is permitted during the months of June, July, August, and September.

2. Without limitation as to other prohibited open burning, the open burning of construction material, land clearing debris and trash anywhere and the open burning of any material on any public street, roadway, curb, gutter or street drain is specifically prohibited at all times.

3. The Fire Code Official may cancel open burning on any day when it would otherwise be permitted due to drought or other unfavorable or unsafe conditions.

4. In addition to the above, the Fire Code Official shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fire hazardous. The Fire Code Official shall order the extinguishment of any open burning which creates or adds to a hazardous or objectionable situation.

5. Pre-determined properties that are included in the Concord Township Agricultural Security Area of the Township will be allowed to operate under the modifications to open burning as directed by Concord Township Ordinance No. 394 enacted 8th day of December 2020.

F. Chapter 9 - Fire Protection Systems, Section 903, Automatic Sprinkler Systems.

903.2 Where required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section and in Use Group B Business Use where the fire area exceeds 12,000 square feet (1115M2). Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped with an automatic fire alarm system and are separated from the remainder of the building by a wall with a fire-resistance rating of not less than one hour and floor/ceiling assembly with a fire-resistance rating of not less than two hours.

G. Appendix B, Fire-Flow Requirements For Buildings, Section B103 Modifications, Paragraph B103.1 Decreases.

B103.1 Decreases. The Fire Code Official is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

H. Appendix B, Fire-Flow Requirements For Buildings, Section B103 Modifications, Paragraph B103.2 Increases.

B103.2 Increases. The Fire Code Official is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

I. Requirements for fire hydrants.

- (1) All hydrants have two 2 1/2 inches and one 4 1/2 inches connections.*
- (2) All 2 1/2 inches connections are 2 1/2 inches National Standard Fire Thread.*
- (3) All 4 1/2 inches connections are 4 1/2 inches National Standard Fire Thread.*
- (4) Hydrants should be placed not more than eight feet from the roadway and so the 4 1/2 inches connection is toward the roadway.*
- (5) Hydrants' opening direction should be counterclockwise.*
- (6) Hydrants should comply with the Standards of the American Water Works Association.*
- (7) Public hydrants shall be painted yellow; private hydrants shall be painted red.*

J. Requirements for Fire Department connections to sprinkler systems and standpipes:

- (1) All outside building connections are five inches Stortz sexless connections.*
 - (2) All Stortz connections shall have a suitable removable protective cap with chain.*
 - (3) All Stortz connections shall have 30° elbow.*
 - (4) All Stortz connections shall be between 24 inches and 48 inches above ground level.*
 - (5) Install 12 inches by 18 inches "FDC" sign over Stortz Connection.*
- All standpipe stairwell connections shall have 2 1/2 inches National Standard Fire Thread with 1 1/2 inches National Standard Fire Thread reducer with suitable protective cap.*
- All standpipe stairwell hose connections shall be located at the floor level landings.*
- Any connections designed to operate with 1 1/2 inches fire hose shall be 1 1/2 inches National Standard Fire Thread.*

Chapter 115, Household Pets.

Article I, Residential and Apartment Districts.

A new § 115-2 is added to read as follows:

Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this article. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive relief, to enforce compliance herewith.

Chapter 120, Massage and Massage Establishments.

- A. In § 120-2 the definition of “prostitution” is amended to read as follows:

Engaging in sexual activity for consideration, including the fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; acts of human masturbation, sexual intercourse, or sodomy; or deviant sexual relations.

- B. Section 120-12, Persons under the age of 18 prohibited, is repealed.

- C. Section 120-17 is amended to read as follows:

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

Chapter 124, Noise Disturbance.

- A. Section 124-2D is amended to update the statute cited for the Fireworks Law.

- B. Section 124-4A is amended to change \$600 to \$1,000.

Chapter 127, Property Maintenance.

- Section 127-6 is amended to read as follows:

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including an injunction, to enforce compliance herewith.

Chapter 128, Rental and Commercial Property Licensing and Inspection.

Section 128-9 is amended to read as follows:

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive, to enforce compliance herewith.

Chapter 132, Sales, Outdoor and Seasonal.

Section 132-6 is amended to read as follows:

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive, to enforce compliance herewith.

Chapter 136, Sewers.**Article I, Operation and Maintenance of Sanitary Sewers.**

The article is amended in its entirety to read as follows:

136-1. Definitions; word usage.

A. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

ABSORPTION AREA — A component of an individual or community sewage disposal system where liquid from a treatment tank seeps into the soil.

AUTHORITY — Formerly Concord Township Sewer Authority; dissolved in 2011 and all assets transferred to the Township as successor in interest.

BAFFLE — The treatment tank appurtenance serving the purpose of slowing the incoming sewage flow to facilitate solids settling.

BUILDING SEWER — The portion of the sewage drainage system of any structure to a point five feet outside the structure.

BUILDING SEWER CLEANOUT — A cleanout on the building sewer just inside or outside the building wall through which the sewer may be cleaned.

BUILDING TRAP — A device, fitting or assembly of fittings installed on the building drain to prevent circulation of air between the drainage system of the building and the building sewer.

CESSPOOL — A hole dug or container installed on improved property below the surface of the ground which is designed to collect and to disperse and dispose of all liquids collected by the structure's on-site sewage collection system.

CLEAN STREAMS LAW — The Pennsylvania Clean Streams Law, 35 P.S. §§ 691.1 through 691.101.

CODE ENFORCEMENT OFFICER — The Township employee(s) charged with the enforcement of all Township ordinances, codes and regulations relating to health, safety and the appearance and maintenance of properties throughout the Township, and the inspection of properties in the Township for purposes of the issuance of permits, licenses and certificates of occupancy.

COMMERCIAL ESTABLISHMENT — Any structure intended to be used wholly or in part for the purposes of carrying on a trade, business or profession or for social, amusement, religious, educational, charitable or public uses.

COMMUNITY ON-LOT SEWAGE SYSTEM (COLDS) — A system of piping, tanks or other facilities, whether publicly or privately owned, serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank.

COMMUNITY SEWAGE SYSTEM — A sewage facility, whether publicly or privately owned, for the collection, treatment and/or disposal of sewage from two or more lots or two or more equivalent dwelling units.

CONCORD TOWNSHIP SEWER DEPARTMENT-INSTALLED SEWER LINES — Sewer lines installed by Concord Township or Concord Township Sewer Authority as distinguished from those sewer lines, mains, laterals, pump stations, etc., installed by developers and subsequently accepted for dedication by Concord Township or the former Concord Township Sewer Authority.

DELAWARE COUNTY HEALTH DEPARTMENT — A department of Delaware County, Pennsylvania.

DOMESTIC STRENGTH WASTE — Sewage of the strength that is normally discharged from a residence, i.e., toilet wastes and kitchen wastes and as defined by the Rules and Regulations of the Sewer Department. All other wastes of any form will be considered "industrial wastes" and are subject to rules and regulations covering industrial waste.

EATING OR DRINKING PLACE — Any establishment where food, foodstuff or beverages are served or provided for human consumption, with or without charge, including among others, hotels, restaurants, cafes, cafeterias, clubs, boardinghouses, ice cream parlors, soda water or soft drink fountains, and bars or taverns.

FOOD OR BEVERAGE MANUFACTURING, PROCESSING AND MERCHANDISING ESTABLISHMENTS — Any establishment where food, food products and beverages are manufactured, processed, packaged or bottled, or sold for consumption off the premises of the seller, including among others, bakeries, beverage distributors, bottlers, candy and confectionery manufacturers, dairies, frozen-food-locker plants, wholesalers and retailers, and operators of vending machine services.

FRESH-AIR VENT — A direct connection leading from the building trap to the outer air.

GREASE TRAP — A device installed in a sanitary waste pipe for the purpose of collecting grease and preventing it from continuing to travel in the waste piping system. Grease traps may be installed internally, in the inside of a building at the various greaseproducing plumbing fixtures and equipment, or they may be installed externally, outside of the building.

GRINDER PUMP — A submersible, electric motor-driven pump capable of macerating all material found in normal domestic sanitary sewage, including reasonable amounts of objects such as plastics, sanitary napkins, disposable diapers and the like, to a fine slurry and pumping this material through a small-diameter discharge pipe. The grinder pump shall be housed in a vented, watertight enclosure.

IMPROVED PROPERTY — Any property located within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEM — A collection of piping, tanks and other facilities privately owned, for collecting, treating and disposing of sewage from one lot. These facilities may include retaining tanks, soil absorption areas, individual spray fields and individual stream discharge systems and all appurtenances.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM — An individual sewage system which serves a single dwelling, and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

INDIVIDUAL SEWAGE SYSTEM — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal.

INDUSTRIAL ESTABLISHMENT — Any structure intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity or article, or from which any process waste, as distinct from domestic strength sewage, shall be discharged.

INDUSTRIAL WASTE — Any solid, liquid or gaseous substance or water borne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business enterprise or from the development, recovery or processing of natural resources, as distinct from domestic strength sanitary

sewage. Industrial sewage must be treated by the owner of the premises to domestic waste strength and composition.

INSTITUTIONAL ESTABLISHMENT — Any room, group of rooms, building(s) or other enclosure which does not constitute a commercial establishment, a dwelling unit, or an industrial establishment.

LATERAL, PRIVATELY OWNED — That portion of piping extending between the point of connection at the Township-owned lateral and the building sewer. This lateral is and shall be owned and maintained by the property owner.

LATERAL, TOWNSHIP-OWNED — The piping extending from the public sewer to the right-of-way or easement line adjacent to any property. This lateral is owned and maintained by the Sewer Department.

LIQUID WASTE — Sewage pumped from septic tank cesspools, holding tanks, privies and nontoxic biodegradable industrial waste liquids.

MALFUNCTION — The failure of any part, component or appurtenance of a sewage disposal system which results in the backup of sewage into a building or the discharge of untreated or partially treated sewage to the surface of the ground or the waters of the Commonwealth.

MUNICIPALITY — The Township of Concord.

OFFICIAL PLAN — The current comprehensive Act 537 sewage facilities plan of Concord Township as adopted by the Township Council and as may be amended and revised from time to time.

OPERATIONS MANAGER — Any person who may, from time to time, be appointed and in general charge of the Township sewer system.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in Concord Township.

PLUMBING INSPECTOR — The person or persons appointed or designated by the Township for the purpose of enforcing Township ordinances, codes and regulations as related to plumbing.

PRIVATE DWELLING OR LIVING UNIT — Any structure intended to be occupied as a whole by one family or an apartment intended to be occupied by one family or any other one-family living unit.

PUBLIC SEWER — All facilities owned and operated by the Sewer Department for the collection, transportation, treatment or disposal of sanitary sewage.

RETAINING TANK — A watertight receptacle, whether temporary or permanent, which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes but is not limited to:

(1) CHEMICAL TOILET — A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.

(2) HOLDING TANK — A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

(3) *PRIVY* — A tank designed to receive sewage where water under pressure is not available.

(4) *INCINERATING TOILET* — A device capable of reducing waste materials to ashes.

(5) *COMPOSTING TOILET* — A device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

(6) *RECYCLING TOILET* — A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

SANITARY SEWAGE — The liquid carrying domestic-strength household and toilet wastes from residences, business buildings, institutions, and commercial and industrial establishments.

SEPARATOR — A device installed in a sanitary waste pipe for the purpose of separating and collecting oily and/or flammable wastes, sands, heavy solids, glass, rags, feathers and/or other similar materials, which may have a detrimental effect on the operation of the sewer system or sewage treatment facility and preventing them from continuing to travel in the waste piping system.

SEPTAGE TRANSPORTER — An individual, company or corporation licensed to and engaged in the business of removing liquid sewage waste as defined herein and disposing of said waste in an approved manner.

SEWER DEPARTMENT — A Department of the Township of Concord, Delaware County, Pennsylvania.

SEWER SYSTEM — All facilities owned and operated by the Township for the collection, transportation, treatment or disposal of sanitary sewage.

SPRAY IRRIGATION SYSTEM — Any system, whether publicly or privately owned, designed, constructed and operated for collecting, treating and disposing of sewage using a system of piping, treatment tanks and soil renovation utilizing spray land application.

STREAM DISCHARGE SYSTEM — Any system designed and permitted to collect and treat sewage and discharge treated effluent to a watercourse, swale or storm sewer.

TOWNSHIP — The Township of Concord, Delaware County, Pennsylvania.

TREATMENT TANK — A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place; the term includes but is not restricted to the following:

(1) *SEPTIC TANK* — A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

(2) *AEROBIC SEWAGE TREATMENT TANK* — A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to a stream or absorption area.

WATERS OF THE COMMONWEALTH — Rivers, streams, creeks, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water or any of their parts.

B. Word usage. All other words and terms, when used in this chapter, shall have the meanings set forth in the Pennsylvania Code, Title 25, Chapter 73, Standards for Sewage Disposal Facilities, of the Pennsylvania Department of Environmental Protection (DEP), unless the context clearly indicates otherwise.

§ 136-2. Sanitary sewer system and appurtenances.

This section applies to all facilities for collecting, pumping, transporting, treating and/or disposing of sanitary sewage and industrial wastes, situated in or adjacent to the Township of Concord and owned, maintained and operated by the Township.

A. Any and all sanitary sewer systems and appurtenances in the Township of Concord shall be designed, installed, operated and maintained in accordance with and pursuant to rules and regulations adopted, from time to time, by Concord Township, the Pennsylvania Department of Environmental Protection, and the United States Environmental Protection Agency.

B. A certified copy of all such rules and regulations adopted by the Concord Township shall be filed with the Township for informational purposes within 30 days after their adoption and available for review during business hours.

§ 136-3. Community sewerage systems.

This section applies to all community sewerage systems located in the Township of Concord, including systems privately owned and publicly owned and including stream discharge systems and community on-lot systems.

A. Any and all community sewerage systems located in the Township of Concord, now existing or hereafter established, shall be designed, installed, operated and maintained in accordance with and pursuant to rules and regulations adopted from time to time by Concord Township, and the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.

B. A certified copy of all such rules and regulations adopted by the Concord Township shall be filed with the Township for informational purposes, within 30 days after their adoption and available for review during business hours.

§ 136-4. Water conservation.

A. No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental or public building or structure of any kind which is constructed or remodeled, and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which construction a permit is required to be obtained from Concord Township (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of this article.

B. All persons shall be encouraged not to permit any water furnished by Chester Water Authority or other purveyor of water to run to waste in any gutter or other impervious surface.

C. Each resident or property owner of the Township of Concord not subject to the application of this article is urged to install fixtures which will reduce the quantity of water required to flush toilets and to reduce the flow rates of showers and faucets by employing measures and observing the standards set forth in Subsection D herein.

D. Buildings or structures which are subject to the application of this article shall be in compliance with 2018-IPC, Section 604, Design of Building Water Distribution Systems, which requires the following:

(1) Water closets operated by flush tanks (water-saving water closets) having an average consumption over 6.0 Lpf (1.6 gpf), but not exceeding 13.2 Lpf (3.5 gpf) when tested per the test procedures contained in ASME A112.19.6.

(2) Water closets and urinals operated by flushometers:

(a) Low-consumption water closets having an average consumption of 6.0 Lpf (1.6 gpf) or less when tested per the test procedures contained in ASME A112.19.6.

(b) Low-consumption urinals having an average consumption of 3.8 Lpf (1.0 gpf) or less when tested per the test procedures contained in ASME A112.19.6.

(3) Showerheads. Showerhead discharge rates shall not exceed 2.5 gpm when tested per the test procedures contained in ASME A112.18.1-2020.

(4) Sink faucets.

(a) Kitchen sink faucet discharge rates must comply with the maximum flow rates as indicated within table 4 of ASME A112.18.1-2020 when tested per the test procedures set forth in table 4 of ASME A112.18.1-2020.

(b) Residential lavatory sink faucet discharge rates must comply with the maximum flow rates as indicated within table 4 of ASME A112.18.1-2020 when tested per the test procedures set forth in table 4 of ASME A112.18.1-2020.

(c) Nonresidential lavatory faucets shall be either self-closing or metering faucets as described below:

[1] Self-closing faucets must comply with the maximum flow rates as indicated within table 4 of ASME A112.18.1-2020 when tested per the test procedures set forth in table 4 of ASME A112.18.1-2020.

[2] Metering faucets shall be field adjustable and set so that the discharge quantity complies with the maximum flow rates as indicated within table 4 of ASME

A112.18.1-2020 when tested per the test procedures set forth in table 4 of ASME A112.18.1-2000.

(5) Blowout toilets and urinals. Replacement of blowout toilet and urinal fixtures with like-type fixtures may be granted by the Township upon request where adequate justification of special need is provided.

(6) Pressure-reducing valve. Where the service water pressure to a building is expected to exceed 60 psi, a water-pressure-reducing valve with strainer shall be installed just downstream of the building's main valve so as to be accessible. The valve shall provide for pressure adjustment within the range of 40 to 60 psi. The valve shall conform to the requirements of product standard ASSE 1003.

Exemptions to this subsection are service lines to sill cocks, outside hydrants and main supply risers to buildings where pressure from the mains does not exceed 60 psi at the fixture branches or at individual fixtures.

E. Any person(s) may apply to the Township of Concord for an exception from the terms of this subsection, which exception may be granted in the discretion of Township Council upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with without undue hardship.

F. Township Council may, from time to time, modify, add to or remove from the standards and restrictions set forth herein.

§ 136-5. Design and installation of capped sewers.

All owners of land intended to be improved and developed shall, as part of final approval of the improvement or development, agree to design and install a capped sewer system for connection to and becoming part of the sewer system of the Concord Township if the sewer system has not yet been completed in the area of the development.

A. Capped sewers shall be required to be installed in accordance with all Sewer Department's regulations. The sewers shall be installed in their entirety, including capped laterals for each lot extended to the right-of-way or easement line. When capped sewers are provided, on-site sewage facilities shall also be provided. Capped sewers shall be accepted for dedication at such time as the Township deems practical. Until such time, capped sewers shall remain privately owned by the developer or homeowners' association pursuant to the rules and regulations of the Concord Township Sewer Department.

B. The capped sewer system shall be in accordance with the applicable Township specifications and standards. Routing and limits of the sewer to be installed shall be as approved by the Township. Laterals will be a minimum of four inches in diameter and will be installed to the right-of-way line or proposed easement lines. All laterals will have a cleanout installed at the end. A manufactured cap of the type intended for use with the type of pipe being installed will be used to seal the end of the lateral. The developer will submit to the Township a sketch of each lateral showing the location and depth of the end of each lateral.

C. A certified copy of all specifications and standards for capped sewers adopted by the Concord Township shall be filed with the Township for informational purposes and shall be available for review during business hours.

§ 136-6. Use of sewers required.

A. Connection requirements.

(1) Mandatory connection to the public sewer system by the Owner of a residential dwelling whose principal building(s) is/are within 150 feet of the Concord Township owned sewer lines is ONLY required upon the sale of the Property or upon failure of the existing Individual On-Lot Disposal System or upon notice from the Township as defined in (2) below.

(2) The owner of any Commercial and/or Institutional property whose principal building(s) is/are within 150 feet of the Concord Township owned sewer lines shall connect with and use the sewer system in such manner as the Township may require within 60 days after notice to such owner from the Township, to make such connection, for the purpose of discharge of all normal domestic-strength sanitary waste from such property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township from time to time. Also the owner of any residential property whose sewer system constitutes a component of a cesspool or stream discharge and/or has malfunctioned shall connect with and use the sewer system in such manner as the Township may require within 60 days after notice to such owner from the Township, to make such connection, for the purpose of discharge of all normal domestic-strength sanitary waste from such property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township from time to time.

(3) Appeal of required connection.

(a) Any property owner who is directed to connect to the Township sewer system may, within 30 days of receipt of the notice to connect, apply in writing to Concord Township Council for permission to delay the required connection.

(b) Township Council will, upon receipt of a timely written request for a delay in connecting to the Concord Township Sewer Department sewer system, promptly schedule a public hearing to consider the residential property owner's request.

(c) Township Council may, by majority vote at the conclusion of the public hearing, grant a residential property owner's request to delay, for a specified period not to exceed two years, the mandatory connection to the Township sewer system referred to in Subsection A(2) above until the happening of one of the following:

[1] Sale or voluntary or involuntary transfer of the property or any portion of the property;

[2] Failure or malfunction of the property's on-site sewage system, or

[3] The expiration of the extension period granted to the property owner by Township Council by majority vote at the public hearing on the extension request.

(d) In considering the request for an extension filed by a residential property owner, the Township Council shall take into consideration:

[1] Any recent major expenditures to an on-site sewage system;

[2] The financial holdings of the residential owners; and

[3] The financial burden an extension would place on the Township.

(e) Township Council may, after a hearing, if the owner of the improved property establishes substantial hardship precluding immediate connection to the sewer system and establishes that the current on-site sewage disposal system is functioning properly, extend the period within which the connection to the sewer system must be made for up to 24 months. Any such extension granted by Township Council shall be applicable only to the original applicant and shall be rendered void upon the sale or transfer of the property or any portion thereof.

(4) No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to the sewer system or which is required under this section to be connected to the sewer system. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and shall be cleansed and filled, and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and cleansed and filled shall constitute a nuisance, and such nuisance may be abated by the Township as provided by law, at the expense of the owner of such improved property, such expense to include the Township's attorney fees.

(5) All such holding vessels or receptacles shall be decommissioned at or before the time that the connection is made to the sewer system and shall be accomplished as follows:

(a) All existing residue shall be pumped out by a licensed septage transporter and be removed for off-site disposal. Under no circumstances may the residue be introduced into the new sewer line.

(b) The vessel or receptacle's bottom shall be broken after all residue has been removed and its lid collapsed into the vessel or receptacle. The volume must then be filled with A-1 type stone mix.

(c) All conduits leading from the vessel or receptacle shall be disconnected and all openings shall be similarly filled.

(d) All existing fields shall then be abandoned, but no structures of any kind, including sheds, garages or other accessory uses, may be erected over the filled vessels or abandoned fields.

(6) No privy vault, cesspool, sinkhole, septic tank or similar receptacle may at any time be connected with the sewer system.

(7) The notice to an owner by the Township to make a connection to the sewer system shall consist of a written or printed document or letter addressed to the record owner of the improved property requiring connection in accordance with the provisions of this chapter and specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be issued at any time after a sewer is in place which can receive and convey normal domestic strength waste for treatment and disposal from the particular property. Such notice shall be served upon the owner either by personal service or by registered mail or by such method as at the time may be provided by state law.

(8) If the owner of any property whose principal building is within 150 feet of the sewer system, after 60 days' notice in accordance with this section, shall fail to connect such property and/or fail to pay the required fees and/or fail to use the sewer system as required, the Township may cause such property to be entered upon and connected to the sewer system as provided by law. The Township shall collect from such owner the actual costs and expenses incurred in such work.

(9) Where connection to the sewer system is made by the Township after notice to the owner, the Township shall immediately upon completion of the work send an itemized bill for the cost of the construction of such connection to the owner of the improved property to which such connection has been made. Such bill shall be payable within 30 days of receipt. In case of neglect or refusal by the owner of such improved property to pay such bill within such time, or to enter into a written installment agreement with the Township to pay such bill in 12 monthly or four quarterly installment payments, the Township shall, within six months of the completion of the sewer connection, file a municipal lien against the property for all costs associated with the sewer connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

B. Any and all connections of improved property to the sewer system pursuant to the requirements of this chapter shall be in accordance with and pursuant to the rules and regulations adopted from time to time by the Sewer Department.

C. A certified copy of all such rules and regulations adopted by the Sewer Department shall be filed with the Township, for informational purposes, within 30 days after adoption by the Township, and available for review during business hours.

§ 136-7. Grinder pump connections.**A. General.**

(1) The owner of any improved property that wants to utilize a grinder pump to discharge sanitary sewage to a gravity sewer system as a replacement of an existing grinder pump facility or as an initial installation must receive permission from the Concord Township Sewer Department prior to installing the grinder pump.

(2) Installation shall be performed only by qualified personnel who shall be named in the Plumbing Permit application for the connection permit.

(3) The owner of the improved property that wants to utilize a grinder pump shall obtain a plumbing permit from Concord Township and shall provide evidence that the following information has been supplied to the Sewer Department for review and approval:

(a) The manufacturer's detail sheet for the proposed grinder pump;

(b) A pump curve for the proposed grinder pump;

(c) A copy of the manufacturer's installation instructions; and

(d) A plan of the proposed connection, which depicts all information that would be required for the Sewer Department to determine if the grinder pump would function as it is intended, including but not limited to the location of the building or structure that is being connected, the elevation of the existing building sewer and the lateral and the proposed routing of the discharge piping.

(4) The design, installation, repair and maintenance of the grinder pump shall be in accordance with the requirements prescribed by the pump manufacturer.

B. Grinder pump connection to a low pressure sewer system.

(1) Due to the complexities of a low pressure sewer system, any connection to a low pressure sewer system shall be made with a pump as designated by the Township.

(2) If a property owner wishes to utilize a different pump than that designated by the Township, a plan and engineer's report detailing the operation of the pump and the effect the pump will have on all other pumps in the low pressure sewer system must be prepared by a Pennsylvania Professional Engineer and submitted to the Sewer Department for approval.

C. Maintenance of grinder pump. *The property owner shall be responsible for maintenance and repair of the grinder pump system from the pump to the Township-owned lateral.*

§ 136-8. Separators and grease traps.**A. Application to existing and future owners.**

(1) The provisions of this section are intended to apply to all existing and future users of the sewer system. Existing users shall have 90 days from the adoption of this article to construct such facilities and take such measures as may be necessary to bring their establishments in conformance with this article.

(2) Future users of the sewer system shall be in compliance with this article at the time connection is allowed to the system.

B. Separators and grease traps not required. Neither separators nor grease traps are required for residences. If, however, groups of residences utilize a common kitchen facility or dining facility, then the provisions of this section shall be applied.

C. Information. All users currently connected to the sewer system and all future users who apply for connection to the sewer system in the future are required to provide information and documentation to the Sewer Department sufficient so that the Sewer Department may determine whether a separator or grease trap is required.

D. Prohibited wastes. The following wastes are prohibited from being deposited into any sewer system:

(1) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, solvents, gasoline, antifreeze, oilbased paints, tar, asphalt, residues, residues from refining or processing of fuel, lubricating oil, mud, glass grindings, polishing wastes, fur, ashes, incinerator residue, dredged spoil, solid waste, construction materials, rock, sand, cellar dirt, feathers, wood, tar, cinders, medical waste or any other harmful chemicals.

(2) No residential, commercial or industrial property which is connected to the sewer system may discharge any surface water from sump pumps, gutters, drains, downspouts, air-conditioning condensate lines, refrigeration condensate lines, or any other similar source into the sewer system. All privately owned laterals must be maintained so as to minimize the infiltration of groundwater into the sewer system.

E. Grease trap.

(1) Grease traps shall be provided pursuant to the Sewer Department's rules and regulations when, in the opinion of the Sewer Department, they are necessary for the proper handling of liquid wastes containing floatable grease in such amounts as to cause obstruction to the flow in a sewer or other interference with the operation of any public or private wastewater treatment facilities. In general, grease traps shall be required at all eating and drinking places and food or beverage manufacturing, processing and merchandising establishments.

(2) All interceptors shall be of a type and capacity approved by the Sewer Department and shall be located as to be readily and easily accessible for cleaning and inspection. All systems shall be designed, constructed and operated in accordance with the manufacturer's specifications.

(3) Grease traps shall be equipped with devices to control the rate of water flow so that the manufacturer's rating is not exceeded. The minimum capacity of a grease trap shall be such that the grease retention capacity measured in pounds of grease shall be at least two times the total flow-through rating measured in gallons per minute.

(4) All grease traps shall be from a manufacturer with a minimum of five years of experience in the manufacturing of grease traps and/or shall conform to the Plumbing and Drainage Institute (PDI) standard G101.

F. Separators.

(1) Separators shall be provided when, in the opinion of the Sewer Department, they are necessary for the proper handling of liquid wastes containing oil, sand, any flammable wastes, or any other harmful ingredients in such amounts as to cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities.

(2) All separators shall be of a type and capacity approved by the Sewer Department and shall be located as to be readily and easily accessible for cleaning and inspection. All systems shall be designed, constructed and operated in accordance with the manufacturer's specifications.

(3) Separators required. At repair garages, gasoline stations with grease racks, grease pits, or work racks, and at factories where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease-bearing, or flammable wastes shall be discharged before emptying in the building drainage system or other point of disposal.

(4) Separation of liquids. A mixture of treated or untreated light and heavy liquids having various specific gravities shall be separated in an approved receptacle.

(5) Design of oil and liquid separators. Separators shall be designed as provided below:

(a) Overall requirements. Oil separators shall have a depth of not less than two feet below the invert of the discharge drain. The outlet opening of the separator shall have not less than an eighteen-inch water seal.

(b) Garages and service stations. Where automobiles are serviced, greased, repaired, washed or where gasoline is dispensed, separators shall have a minimum capacity of six cubic feet for the first 100 square feet of area to be drained into the separator. Parking garages in which servicing, repairing, or

washing is not done, and in which gasoline is not dispensed, shall not require a separator. Areas of commercial garages which are used for storage of automobiles only are not required to be drained through a separator.

(6) Sand separators. Separators for sand, grit, and similar heavy solids shall be so designed and located as to be readily accessible for cleaning and shall have a water seal of not less than six inches. Sand and grit separators shall be required at all locations where cars or trucks are washed and shall have a minimum capacity of 500 gallons at such locations.

(7) Laundries. Commercial laundries shall be equipped with separators having a wire basket or similar device, removable for cleaning, that will prevent passage into the drainage system of solids 1/2 inch or larger in size, string, rags, buttons, or other materials detrimental to the public sewage system.

(8) Bottling establishments. Bottling plants shall discharge their process wastes into a separator which will provide for the separation of sugar, broken glass or other solids, before discharging waste into the drainage system.

(9) Slaughterhouses. Slaughtering room and dressing room drains shall be equipped with approved separators. The separator shall prevent the discharge into the drainage system of feathers, entrails, and any other materials that could potentially cause clogging.

(10) Venting of separators. Separators shall be so designed that they will not become air bound if tight covers are used. Each interceptor or separator shall be vented when subject to loss of trap seal.

G. Costs.

(1) The owner of each improved property shall be responsible for all costs associated with the installation, operation, maintenance and replacement of separators and/or grease traps. These costs shall include the cost of properly disposing of the accumulated material.

(2) If a separator or grease trap at an improved property was not installed or malfunctions due to lack of maintenance, lack of cleaning or for any other reason and such lack of installation or failure shall cause blockages, sewage back-ups, sewage overflows or in any other manner damages or interferes with the operation of the sewer system, then the owner of the improved property shall be responsible to pay for all costs required to repair and clean the Sewer Department's sewer system. Such costs shall include, but shall not be limited to cleaning costs, pumping costs, engineering costs, legal fees and administrative costs.

H. Inspection.

(1) The Sewer Department shall have the right to inspect the grease traps and/or separators to ensure that the systems are in working order and that the systems are being properly maintained and cleaned. The Sewer

Department shall have the right to inspect the cleaning records at the time the inspection occurs.

I. Maintenance and records. The owner of an improved property which utilizes a grease trap and/or separator shall at all times keep the system in good working condition. The traps or separators shall be cleaned periodically to keep them in good working order. All traps and separators shall be cleaned at least once every three months. The records shall include the date of disposal, the means of disposal, the name and signature of the person responsible for supervising the cleaning of the separators and grease traps and the proper disposal of the accumulated material. Annually the owner shall transmit a copy of the cleaning records to the Sewer Department. Records of each cleaning shall be maintained by the establishment for a period of three years.

J. Disposal of accumulated material. All materials which are accumulated by the separators and/or grease traps shall be properly disposed of by the owner. Under no circumstances shall accumulated material be allowed to enter into the sewer system. Any removal and hauling of the collected materials not performed by owner's (owners') personnel must be performed by currently licensed waste disposal firms.

§ 136-9. Maintenance of individual on-lot sewage disposal systems.

In accordance with and pursuant to the requirements of the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. § 750.1 et seq., the Pennsylvania Solid Waste Management Act, as amended, 35 P.S. § 6018.101 et seq. and Title 25, Chapter 73, of the Pennsylvania Code, "Standards for On-Lot Sewage Treatment Facilities, and regulations of the Pennsylvania Department of Environmental Protection, the Township of Concord has determined that registration and regular maintenance of individual on-site sewage disposal systems will help prevent malfunctions, extend the life of such system(s), reduce the necessity for installation community sewer systems thus saving expense to the homeowner and the Township, and protect the waters of the Commonwealth.

A. All owners of individual on-site sewage disposal systems with a stream discharge, now in existence or hereafter installed, shall, within 60 days of the effective date of this article, register with Concord Township and secure a permit. No such permit shall be issued except upon receipt by the Township from the owner of evidence that the owner possesses a valid permit from the Pennsylvania Department of Environmental Protection for a stream discharge and copies of all sewage tests conducted of the system during the preceding year.

B. All owners of single-family residences utilizing an individual on-lot sewage disposal system shall have the septic tank(s) pumped at least once every two years. This service must be performed only by a septage transporter licensed by Concord Township.

C. All owners of multifamily residences utilizing an on-lot sewage disposal system shall have the septic tank pumped at least once every year. This service must be performed only by a septage transporter licensed by Concord Township.

D. All other property owners utilizing an on-lot sewage disposal system shall have the septic tank(s) pumped at least once a year.

E. Where an on-lot sewage disposal system, in the opinion of the Township Sewage Enforcement Officer, exhibits signs of malfunction, the owner shall cause the septic tank(s) to be immediately pumped by a licensed septage transporter. The property owner shall contact the Concord Township Sewage Enforcement Officer to coordinate the repair, if possible, of the malfunction or the replacement of the system with a new, on-lot sewage disposal system if repair is not feasible. Failure of a property owner to promptly have a septic tank(s) pumped after notice by the Township Sewage Enforcement Officer shall constitute a violation of this article.

§ 136-10. Permits; fees.

All permits required by this article shall only be issued upon application made in writing to the Township; in such form as may be prescribed by the Township for a permit and upon payment of a permit fee in an amount established by the Township, as applicable, from time to time.

§ 136-11. Retaining tanks.

The owner of an improved property that is approved to and does utilize a retaining tank shall:

- A. Maintain the retaining tank in conformance with all Township ordinances, the provisions of any applicable laws and the rules and regulations of the Pennsylvania Department of Environment Protection, Delaware County Health Department and Township rules and regulations; and*
- B. Permit only licensed septage transporters to collect, transport and dispose of the contents of any retaining tank.*
- C. All owners of Retaining Tanks, now in existence or hereafter installed, and which are within 150 feet of a public sewer system, shall, within 60 days of the effective date of this article connect to the public sewer system in accordance with the article and in accordance with the Sewer Department's Rules and Regulations.*

§ 136-12. Violations and penalties.

Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this article. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive relief, to enforce compliance herewith.

§ 136-13. Abatement of nuisances.

In addition to any other remedies provided in this article, any violation of this article shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a court of competent jurisdiction. The Township shall be entitled to an award of all counsel fees incurred in such civil action to abate the nuisance.

§ 136-14. Severability.

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this article. It is hereby declared as the intent of Township Council that such remainder shall be and shall remain in full force and effect.

§ 136-15. Repealer.

All Township ordinances, including the prior Ordinance No. 166 of 1988, as amended, and parts of ordinances inconsistent with the provisions hereof, are hereby repealed and rescinded.

§ 136-16. When effective.

This article shall take effect five days after the date of its enactment by Concord Township Council.

Chapter 142, Solid Waste.**Article I, Solid Waste Disposal.**

Section 142-8A is amended to change \$600 to \$1,000.

Article II, Registration of Collectors.

Section 142-20A is amended to change \$600 to \$1,000.

Article III, Recycling.

Section 142-30A is amended to change \$600 to \$1,000.

Article IV, Pre-collection and Post-Collection Requirements for Trash and Recycling Collection.

Section 142-34 is amended to read as follows:

Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this article. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive, to enforce compliance herewith.

Chapter 144, Special Events.

A. Section 144-5A is amended as indicated: "Description of event."

B. Section 144-13 is amended to read as follows:

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a

Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive, to enforce compliance herewith.

Chapter 148, Stormwater Management.

- A. In § 148-13, in the definition of "point source," "25 Pa. Code § 92.1" is changed to "25 Pa. Code § 92a.2."
- B. In § 148-13, in the definition of "regulated earth disturbance activity," and in §§ 148-14B(3) and 148-16C "25 Pa. Code Chapter 92" is changed to "25 Pa. Code Chapter 92a."
- C. Section 148-13B(3) is amended to read as follows:

Regulated earth disturbance" is defined to mean any activity involving earth disturbance subject to regulation under 25 Pa. Code Chapter 92a, 25 Pa. Code Chapter 102, or the Clean Streams Law.

- D. Section 148-50 is amended to read as follows:

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive, to enforce compliance herewith.

Chapter 155, Streets and Sidewalks.

Article I, Driveways.

- A. Sections 155-1B and 155-2 are amended by deletion of references to the Township Roadmaster.
- B. Section 155-3A is amended to change \$600 to \$1,000.

Article II, Street Openings.

Section 155-6A is amended to change \$600 to \$1,000.

Chapter 160, Subdivision and Land Development.

- A. Section 160-7B is amended to add the underlined wording: "... the term 'Board of Supervisors' means the Board of Supervisors of the Township (in legislation adopted after January 2017, reference to the governing body is to the Township Council); ..."
- B. In 160-8A the definition of "floodway fringe" is amended to read as follows: FLOODWAY FRINGE – The area as delineated on the Floodplain Conservation District Map."

- C. Section 160-11A(2) is amended to change "Township Road Forman" to "Director of Public Works."
- D. Section 160-15B(2)(e)[5] is amended to change "Chairman" to "President."
- E. Sections 160-23C(3), 160-28B(1) and (2), 160-29A and 160-35B(19) are amended to replace "§ 148-16 of Chapter 148, Stormwater Management (see Appendix F)" with "Article IV of Chapter 148, Stormwater Management, of the Code." Appendix F of the chapter is deleted.
- F. Section 160-60L(1) is amended to remove reference to a deleted specific section of the regulations.
- G. Section 160-62B(4) is amended to update reference to "NFPA (National Fire Prevention Association)."
- H. Section 160-65A is amended as indicated: "Liquefied petroleum gas containers installed on a mobile home lot shall be securely by but not permanently fastened..."
- I. Section 160-67B is amended to read as follows:

Anchoring. Every mobile home placed within a mobile home development shall be anchored to the mobile home stand where it is located within 24 hours of placement. The anchoring system shall be designed to resist a minimum wind velocity of 90 miles per hour.

- J. Section 160-71E is amended to insert the underlined: "... in order to assure that the financial security equals but does not exceed said 110%..."
- K. In § 160-71I the last sentence is revised as indicated: "The Board of Supervisors may, prior to final release at the time of completion and certification by its Engineer, retain require ~~retention of~~ 10% of the estimated cost of the remaining ~~aforsaid~~ improvements."
- L. Sections 160-84A and 160-85E are amended to change "10 days" to "100 days."
- M. Section 160-85F is amended to read as follows:

The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred in connection with the inspection of improvements. The applicant shall not be required to reimburse the governing body for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township's professional consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant to the Township for comparable services when fees are not reimbursed or otherwise imposed on applicants.

(1) The governing body shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 100 days after the date of transmittal of a bill for inspection services, notify the Township and the Township's professional consultant that such inspection

expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under this section.

(a) Subsequent to the final release of financial security for completion of improvements for a subdivision or land development or any phase thereof, the professional consultant shall submit to the governing body a bill for inspection services, specifically designated as a final bill, which the governing body shall submit to the applicant. The final bill shall include inspection fees incurred through the release of financial security.

(2) If the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within 100 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

(3) The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Township has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.

(4) In the event that the Township's professional consultant and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five years.

(5) The fee of the arbitrator shall be paid by the applicant if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.

(6) In the event that the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall i) award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and ii) impose a surcharge of 4% of the amount found as unreasonable or excessive.

(7) A Township or an applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.

Chapter 170, Taxation.

Article III, Local Services Tax.

- A. In § 170-8 the definitions of “earned income,” “net profits” and “political subdivision” are amended to read as follows:

EARNED INCOME – As defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., as amended.

NET PROFITS – As defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., as amended.

POLITICAL SUBDIVISION – The area within the corporate limits of Concord Township; a Home Rule Municipality organized under the laws of the Commonwealth of Pennsylvania.

- B. Section 170-9 is amended by inserting: “The local services tax is authorized by the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq.”

- C. Section 170-20 is amended to read as follows:

Whoever makes any false or untrue statement on any return required by this article, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this article shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this article.

Article V, Realty Transfer Tax.

This article is amended in its entirety to read as follows:

§ 170-38. Imposition of tax.

The Township of Concord adopts the provisions of Article XI-D of the Tax Reform Code of 1971 (72 P.S. § 8101-D et seq.) and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1% (1/2% by Township; 1/2% by School District).

§ 170-39. Administration.

The tax imposed under § 170-38 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No.

511, as amended, known as "The Local Tax Enabling Act," 53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Concord, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 170-40. Interest.

Any tax imposed under § 170-38 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

Chapter 172, Taxpayers Bill of Rights.

This chapter is moved to Chapter 170, Taxation, Art. VI.

Chapter 173, Trails, Parks and Open Spaces.

Section 173-4 is amended to read as follows:

Any person, firm, corporation or other entity who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunctive, to enforce compliance herewith.

Chapter 176, Transient Retail Merchants.

This chapter is amended in its entirety to read as follows:

§ 176-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PEDDLING — Engaging in any form of sale, solicitation or order taking for any good or service or the solicitation of any payment or donation of money or property or any commitment for the payment or donation of money or property from any resident of Concord Township at the home or property of such resident of Concord Township.

TRANSIENT MERCHANT — Includes any person who engages in or intends to engage in peddling within Concord Township.

§ 176-2. Permit required.

Peddling within Concord Township shall be prohibited unless the transient merchant has first applied for and obtained a permit from the Township in accordance with the provisions of this chapter.

§ 176-3. Permit requirements.

A. All transient merchants shall, prior to the commencement of any peddling activity, submit an application to Concord Township, on a form provided by Concord Township for a peddling permit and in connection with said application provide the following information:

- (1) Full name, address, and telephone number of all persons to be engaged in the peddling activity (this includes drivers and assistants of any type).*
- (2) The full name, address and telephone number of any company, organization or similar entity for which or on whose behalf the peddling activity will be conducted.*
- (3) The nature or description of the good or service to be offered, or the recipient of the donation of money or property sought.*
- (4) The make, model and year of each vehicle used or intended to be used in connection with the peddling activity. A copy of the registration for all such vehicles shall be provided at the time of application.*
- (5) Whether the applicant or any persons proposed to be engaged in the peddling activity have ever been convicted of a crime other than a summary offense and/or a violation of the Motor Vehicle Code, and if so, the date and nature of the offense.*
- (6) Names of other municipalities in Delaware and/or Chester County in which the applicant and/or the persons to be engaged in the peddling activity have worked as peddlers in the past two years.*
- (7) The respective dates, times, and areas of Concord Township in which the applicant intends to conduct the peddling activity.*

B. PA State Police (PSP) Criminal History Record Check is to be completed for any and all persons who are to engage and/or participate in peddling in Concord Township.

C. Upon satisfactory compliance with the requirements of this chapter, Concord Township shall issue a peddling permit to the applicant in accordance with the application.

§ 176-4. Permit fee; expiration.

A. All applicants shall pay to Concord Township, at the time of the application, a permit fee of \$150. All permits shall be valid for a period of 90 days.

B. Upon expiration of the permit, a new application may be filed with Concord Township, in accordance with the provisions of this chapter.

§ 176-5. No-Solicitation list; posted properties.

A. Concord Township's no peddling registry. Residents may register with the Township to prohibit peddling on his or her property. Concord Township shall

maintain a copy of the registry at its offices and also shall provide a copy to the applicant at the issuance of the peddling permit. No peddler shall attempt to peddle to any resident listed on the registry.

B. No peddler shall attempt to peddle to any resident who has posted upon the resident's property signs such as "No Solicitation," "No Peddling," "No Trespassing" or such similar signs indicating a prohibition of entry upon the resident's property.

C. Any peddler entering upon a resident's property shall immediately leave said property when asked or instructed to do so by anyone present on the property.

§ 176-6. Hours of operation.

No peddling activity shall occur between the hours of 7:00 p.m. and 9:00 a.m.

§ 176-7. Miscellaneous requirements.

A. Notwithstanding the issuance of a permit, no person shall engage in any form of peddling or other activity which threatens the health, safety or welfare of Concord Township or its residents.

B. Any permit issued pursuant to this chapter shall be visibly and prominently displayed on the peddling person at all time when peddling activity is being conducted within Concord Township.

C. Permits shall be issued on an individual basis and shall not be transferable to any other person or entity.

D. Peddling conducted following the issuance of a permit shall be strictly limited to the terms of the permit.

§ 176-8. Violations and penalties.

Violation of this chapter shall constitute a summary offense and shall result in the revocation of any issued permit or the denial of any pending permit application.

Chapter 187, Vehicles, Engine Brakes.

Section 187-5 is amended to read as follows:

For each violation of the provisions of this chapter, unless another penalty is specifically provided in the Pennsylvania Vehicle Code, any person who commits, permits, takes part in or assists in any such violation, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. Each use of such engine brake in Concord Township shall be considered a separate violation.

Chapter 190, Vehicles, Motor-Driven.

Section 190-2A is amended by adding to the beginning: "Except as permitted by § 190-3 ..."

Chapter 204, Weapons.

Article I, Firearms.

Section 204-4A(1) is amended to delete fee amount and revise to read: "the fee for such permit shall be as set by resolution of Township Council from time to time."

Article II, Bows and Arrows.

Section 204-8A is amended to delete fee amount and revise to read: "the fee for such permit shall be as set by resolution of Township Council from time to time."

Chapter 210, Zoning.

A. Section 210-3J is amended to read as follows:

The word "Board" and the words "Board of Supervisors" shall mean the Board of Township Supervisors of Concord Township. In legislation adopted after January 2017, the governing board shall be referred to as the "Council" or "Township Council. "

B. In § 210-4A:

(1) The definition of "convenience commercial center" is repealed.

(2) The definition of "group home" is amended to read as follows:

GROUP HOME — A licensed community-based living arrangement functioning as a single household and providing rehabilitative services and/or habilitative services, in accordance with 55 Pa. Code § 5310 or the Federal Fair Housing Amendment Act.

(3) The definition of "school" is amended as indicated: "...or a public institution, ~~both~~ all of which are licensed by the state."

(4) The definition of "shade tree" is amended as indicated: "...has a canopy which screens and filters the sun ~~in the summer and winter, respectively.~~"

C. Section 210-21 is amended to read as follows:

The landscaping regulations set forth in Article XXI shall apply.

D. Section 210-22 is amended to read as follows:

The sign regulations set forth in Article XXIII shall apply.

E. Section 210-23 is amended to read as follows:

The off-street parking and loading requirements set forth in Article XXII shall apply.

F. Section 210-24 is amended to read as follows:

The site plan review requirements set forth in the Subdivision and Land Development Ordinance in Chapter 160 of the Code shall apply.

G. Section 210-29 is amended to read as follows:

The landscaping regulations set forth in Article XXI shall apply.

H. Section 210-30 is amended to read as follows:

The sign regulations set forth in Article XXIII shall apply.

I. Section 210-31 is amended to read as follows:

The off-street parking and loading requirements set forth in Article XXII shall apply.

- J. Section 210-32 is amended to read as follows:

The site plan review requirements set forth in the Subdivision and Land Development Ordinance in Chapter 160 of the Code shall apply.

- K. Section 210-36 is amended to read as follows:

The design guidelines of Article XIII for the Concordville Village Overlay District shall apply.

- L. Section 210-37 is amended to read as follows:

The landscaping regulations set forth in Article XXI shall apply.

- M. Section 210-38 is amended to read as follows:

The sign regulations set forth in Article XXIII shall apply.

- N. Section 210-39 is amended to read as follows:

The off-street parking and loading requirements set forth in Article XXII shall apply.

- O. Section 210-40 is amended to read as follows:

The site plan review requirements set forth in the Subdivision and Land Development Ordinance in Chapter 160 of the Code shall apply.

- P. Section 210-40.5 is amended to read as follows:

The landscaping regulations set forth in Article XXI shall apply.

- Q. Section 210-40.6 is amended to read as follows:

The sign regulations set forth in Article XXIII shall apply.

- R. Section 210-40.7 is amended to read as follows:

The off-street parking and loading requirements set forth in Article XXII shall apply.

- S. Section 210-40.8 is amended to read as follows:

The site plan review requirements set forth in the Subdivision and Land Development Ordinance in Chapter 160 of the Code shall apply.

- T. Section 210-45 is amended to read as follows:

The landscaping regulations set forth in Article XXI and § 210-44B shall apply.

- U. Section 210-46 is amended to read as follows:

The sign regulations set forth in Article XXIII shall apply.

- V. Section 210-47 is amended to read as follows:

The off-street parking and loading requirements set forth in Article XXII and § 210-44B shall apply.

- W. Section 210-48C is amended to read as follows:

The requirements set forth in § 210-44B of this article for residential retirement community shall apply.

- X. Section 210-51G is amended as indicated: "...in height shall provide for an additional one foot of depth of setback for each foot of height in excess of 40 feet."

Y. Section 210-53 is amended to read as follows:

The landscaping regulations set forth in Article XXI shall apply.

Z. Section 210-54 is amended to read as follows:

The sign regulations set forth in Article XXIII shall apply.

AA. Section 210-55 is amended to read as follows:

The off-street parking and loading requirements set forth in Article XXII shall apply.

BB. Section 210-56 is amended to read as follows:

The requirements set forth in the Subdivision and Land Development Ordinance in Chapter 160 of the Code shall apply.

CC. Section 210-59I is amended to delete the last sentence: ~~“The applicant shall demonstrate to the satisfaction of the Board of Supervisors that he has complied with or will comply with all requirements of Chapter 179 of Title 25, Part I, Subpart D, Article II, of the Rules and Regulations of the Pennsylvania Department of Environmental Protection and with all other pertinent regulations of the Commonwealth of Pennsylvania which are applicable to mobile home parks.”~~

DD. Section 210-64 is amended to read as follows:

The landscaping regulations set forth in Article XXI shall apply.

EE. Section 210-65 is amended to read as follows:

The sign regulations set forth in Article XXIII shall apply.

FF. Section 210-66 is amended to read as follows:

The off-street parking and loading requirements set forth in Article XXII shall apply.

GG. Sections 210-74I(1), (5) and (6) and 210-90I(1), (5) and (6) are amended to change “Fire Chief” to “Fire Marshal.”

HH. Section 210-78G is amended to read as follows:

The landowner, the Township Council, the Township Planning Commission and the Delaware County Planning Commission may consult informally concerning the proposed planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a Council member or member of the planning agencies shall be binding upon the Township.

II. Section 210-79A is amended to change “Chairman” to “President” and to change “Acting Chairman” to “Acting Council President.”

JJ. Section 210-152C(1) is amended as indicated: “Adult entertainment business and/or uses.”

KK. Section 210-160.2A(8)(h) is amended as indicated: “...and that the square footage of any flag may be no greater than 96 square feet.”

LL. Section 210-170.1H(2)(c) is amended to delete “display period” following “60 days.”

MM. Section 210-170.1I(1) is amended to revise “shall be parked at” to “shall have parking of.”

NN. Section 210-176A(1) is amended to read: "Along each side or rear property line which directly abuts a residence and/or residential district in Concord Township or a residential district of an adjoining municipality; see Article XXI, Landscaping, ..."

OO. Section 210-183.2B is amended to read as follows:

The word "Township" means Concord Township, Delaware County, Pennsylvania"; the term "Board" and the words "Board of Supervisors" mean the Township Council of the Township (in legislation adopted after January 2017, reference is to the "Council" or "Township Council"); the term "Planning Commission" means the Planning Commission of the Township; and "Commission" or "Historical Commission" means the Historical Commission of the Township.

PP. In § 210-183.10, Subsection C(3)(d) is redesignated as Subsection D and is amended as indicated: "...evaluation and recommendations in a written report to Township Council."

QQ. Section 210-185N is amended to read as follows:

Penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the Township shall, upon conviction, be punishable as set forth in § 210-251 of this chapter. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with the article may be declared by the Township Council to be a public nuisance and abatable as such.

RR. In § 210-186:

- (1) Subsection B(1)(a) is amended to change "community" to "Township."
- (2) Subsection B(3) is amended to change "municipality" to "Township."
- (3) Subsection C is amended to change "a community" to "the Township."
- (4) Subsection E is amended to change "community" to "Township."

SS. Section 210-206B(12)(d) is amended as indicated: "Temporary real estate and contractor signs."

TT. In § 210-206, Subsection B(12)(d)[2][a] and [b] are redesignated as Subsection B(12)(d)[3] and Subsection B(12)(d)[3][a], respectively.

UU. Section 210-22A(1) is amended to read as follows:

The site must be in an approved fire-protected district (the definition for which states the required adequacy of the water supply and water storage facility in terms of rate of flow and water pressure). See Chapter 104, Fire Hydrant Districts, of this Code.

VV. In § 210-239, the last sentence is amended to read as follows: "Members of the Board shall receive compensation for attending hearings and for the performance of their duties;

such compensation rate as may be established from time to time by the Concord Township governing body by resolution.”

WW. Section 210-251A is amended to add to the beginning “Unless otherwise specifically provided in this chapter,”

Chapter 214, Zoning Use Approval.

Section 214-4 is amended to read as follows:

Any person, partnership or corporation who or which has violated or permitted a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorneys' fees incurred by the Township as a result thereof.