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Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 9-8-1956 by Ord. No. 761, approved 9-8-1986. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 9-8-1986 by Ord. No. 761, approved 9-8-1986]

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

Pursuant to Section 1008(b) of the Borough Code [53 P.S. § 46008(b)], the codification of a complete body of ordinances for the Borough of Narberth, County of Montgomery, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 124, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Narberth, which shall be known and is hereby designated as the "Code of the Borough of Narberth," 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 Borough Council of the Borough of Narberth, and it is the intention of said 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 Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the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 ordinances not contained in Code.

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Borough of Narberth and in force on the date of the adoption of this Code, and not contained in the Code, are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Ordinances 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 April 25, 1985 (Ord. No. 749).

B. Any right or liability established, accrued or incurred under any legislative provision of the borough 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 borough 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 borough.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the borough or any lawful contract, obligation or agreement.

F. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the borough, or other instruments or evidence of the borough'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 borough.

K. Any ordinance providing for or requiring the construction or reconstruction 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; or providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance, abandonment or connections 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 borough or setting the bond of any officer or employee.

P. Any ordinance creating or regulating a Recreation Board in the borough.

Q. Any ordinance relating to regulating plumbing.

R. Any ordinance prescribing rules and regulations of the Board of Health relating to communicable diseases, eating or drinking establishments and milk or milk products.

§ 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 legislation shall be temporarily placed in the Code until printed supplements are included.

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

A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances of the borough 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 Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. Nomenclature changes. Throughout the Code, the terms "Justice of the Peace," and "Burgess" where a judicial function is involved, have been changed to "District Justice." The obsolete title "Town Council" has also been changed to "Borough Council," and "Burgess" (except where a judicial function is involved) has been changed to "Mayor" in accordance with current statutory provisions.

C. Substantive changes and revisions. In addition to the changes and revisions described above, the following changes and revisions of a substantive nature are hereby made to various ordinances included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Council, and it is the intent of the Council that all such changes be adopted as part of the Code as if the ordinances so changed have been previously formally amended to read as such. Such changes and revisions are cited within the historical statements of individual chapters by the phrase ". . . amended (or added) at time of adoption of Code . . ." and are as follows.[1]

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1. **Editor's Note: Pursuant to § 1-6C, the following sections were added or amended: §§ 21-3, 21-4, 21-6F and I, 21-12, 21-13, 27-3, 37-2, 37-3, 37-5, 37-6, 37-7, 50-4, 50-9, 50-15, 50-16, 50-17A, 50-28, 50-31, 50-39, 50-46B, 50-258B and 50-259, Art. LXXIII of Ch. 50, §§ 67-2, 67-3, 67-4, 102-2, 124-1B, 124-46B, 124-57J(7), 124-67 and 124-75A(2) and (3) and B. The following**

D. Standardization of penalty provisions. Penalty provisions in the following sections of individual ordinances prescribing penalties for violations are revised or added to provide for a maximum fine of $300, plus costs of prosecution, and in default of payment of such costs and prosecution, imprisonment for a term not exceeding 30 days.[2]

E. Certain new ordinances were approved by the Council during the process of codification to replace previously adopted ordinances deemed obsolete and/or inadequate. These new ordinances are described in the notice published in conjunction with the adoption of this Code and are deemed to be in effect as of the effective date of the Code specified in § 1-15. Such ordinances are cited within the historical statements for individual chapters by the phrase "Adopted . . . at time of adoption of Code. . ." and are as follows:

(1) Chapter 11, Fire Department.

(2) Chapter 13, Fire Relief Association.

(3) Chapter 37, Shade Tree Commission, Article I, Creation.

(4) Chapter 69, Fireworks and Firearms.

(5) Chapter 74, Handbills and Circulars.

(6) Chapter 94, Property Protection, Public.

(7) Chapter 112, Streets and Sidewalks, Article I, Street Openings and Obstructions; Article II, Sidewalk and Curb Construction; Article III, Sidewalk, Curb and Gutter Repairs; and Article IV, Driveways and Storage Areas; Curbs.

§ 1-7. Interpretation of provisions.

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 or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance or regulation shall control.

§ 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 ordinances.

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original sections were deleted: Section 4 of Ord. No. 323 and Sections 6, 8, 9 and 10 of Ord. No. 380.

2. **Editor's Note: Pursuant to § 1-6D, the following penalty sections were added or amended: §§ 37-8, 45-3, 50-45, 64-3, 71-3, 76-6, 91-11, 99-3, 102-8, 107-2, 117-8 and 124-93.**

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 ordinances.

§ 1-9. Filing of copies of Code.

Three copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Borough Secretary, as provided by law, and such certified copies shall remain on file in the office of the Borough Secretary, 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 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 Borough Secretary, or someone authorized and directed by him or her, to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all ordinances adopted by the Council subsequent to the effective date of this codification, which the Council shall adopt specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the borough. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of copies of the Code for inspection by the public, 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; penalties for violation.

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 borough to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $300 plus costs of prosecution, collectible as provided by law, or by imprisonment for a term not exceeding 30 days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, Article 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 or part thereof rendered. It is hereby declared to be the intent of the Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, Article 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 on and after September 8, 1986.

§ 1-16. Inclusion of ordinance in Code.

This ordinance shall be included in the Code as Chapter 1, General Provisions, Article I.

Chapter 8

EMPLOYEES' RETIREMENT SYSTEM

[HISTORY: Adopted by the Council of the Borough of Narberth 12-28-1970 by Ord. No. 604, approved 12-28-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation — See Ch. 36.
Social security — See Ch. 40.

§ 8-1. Election to join system; acceptance of statutory provisions.

The Borough of Narberth, having placed all of its employees, as far as they are eligible, under the Federal Social Security Act, hereby elects to join the municipal employees' retirement system, established by the Municipal Employees' Retirement Law, Act of June 4, 1943, P.L. 886, as amended[1] and does hereby agree to be bound by all the requirements and provisions of the said Municipal Employees' Retirement Law and the amendments thereto and to assume all obligations, financial and otherwise, placed upon member municipalities by said Municipal Employees' Retirement Law and the amendments thereto.

§ 8-2. Ineligible persons.

Membership in the municipal employees' retirement system for elected officials shall be prohibited and membership therein for employees paid on a per diem basis shall be prohibited. Officers and employees paid wholly on a fee basis shall not be eligible for membership in the system.

§ 8-3. Credit for prior service.

Credit for prior service toward the municipal annuity of each original member shall be for all years of service to the Borough of Narberth. The Borough of Narberth does hereby assume the liability for payment of 100% of the original member's contributions for all years of service toward the original member's annuity for the prior service of each original member.

§ 8-4. Payment for prior service.

Payment for the prior service as set forth in § 8-3 hereof shall be made by the Borough of Narberth in accordance with said Municipal Employees' Retirement Law and may be spread over a period of 30 years if the Borough of Narberth so elects and with the approval of the Municipal Retirement Board.

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1. **Editor's Note: See 53 P.S. § 671 et seq.**

§ 8-5. Filing of certified copy; effective date of membership.

A duly certified copy of this chapter shall be filed with the Municipal Employees' Retirement Board of the Commonwealth of Pennsylvania, and membership for the Borough of Narberth in the municipal employees' retirement system shall be effective the first day of February 1971.

Chapter 11

FIRE DEPARTMENT

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Relief Association — See Ch. 13.
Fire prevention — See Ch. 67.

§ 11-1. Composition.

The Fire Department of Narberth shall consist of the Narberth Fire Company and such additional companies as may hereafter be organized and as the Council may, from time to time, by ordinance or resolution, receive into the Department.

§ 11-2. Officers; qualifications.

The officers of the Fire Department of Narberth shall consist of a Chief, a Deputy Chief and Assistant Chiefs. Each of these officers shall be over 25 years of age and an active member of at least three years' standing in one of the companies of the Department.

§ 11-3. Appointment of officers.

A. The Fire Department of Narberth shall, in such manner as it may select, elect and submit to the Public Safety Committee of the Council, before the Council's first meeting in January of each even-numbered year or as soon thereafter as possible, a candidate for the office of Chief of the Fire Department, who shall also be the Fire Marshal, for confirmation by the Council. He shall be appointed for a two-year term and be removable for cause, only after trial, by the Council.

B. The Deputy Chief of the Department shall be appointed by the Chief and shall be under his direct control.

§ 11-4. Suspension and replacement of officers.

The Council shall have the right at any time to suspend or expel the Chief or the Deputy Chief from office for such cause as the Council may deem sufficient. In the event of the death, removal, resignation or failure of confirmation of the Chief by the Council, the Fire Department shall be notified to present the name of another candidate for confirmation within 30 days.

§ 11-5. Oath of office; duties and responsibilities.

A. Before assuming office, the Chief and Deputy Chief shall take and subscribe the

oath required of borough officers. When on duty, they shall wear a badge to clearly designate their office and be as fully equipped as circumstances permit. At fires, they shall be ex officio members of the police force, with all the powers of the borough police.

B. The Chief shall have complete control of the Fire Department at all fires, directing and superintending the operations of the Department as will best protect property from destruction by fire or by unnecessary use of water and/or chemicals. He shall prescribe rules for the regulation of the companies, their members and apparatus at drills and at fires going to and returning therefrom and in such other respects as shall bear upon their discipline and efficiency. He shall have the power at fires to rope off streets when deemed necessary and to exclude the public from the immediate vicinity of the fire or place of danger, with authority to call upon the police for assistance in this work. He shall investigate all fires and keep a correct record thereof, which record shall be submitted monthly to the Borough Council and shall give the date of each fire, location thereof, how the alarm was received, the time of the alarm, the time of the Department's relief from service, a description of the property burned, detailed methods of extinguishing the fire, loss and insurance details, the name of the owner or tenant and the cause of fire, if obtainable.

C. The Chief will inspect or he may designate members of the Department to inspect, from time to time, all buildings and premises or where accumulations of combustible material are liable to exist and to order such changes or removals as in their opinion are necessary to safety from fire. For the purpose of this inspection, they are hereby empowered to enter any and all buildings and premises at any reasonable hour within the borough limits.

D. It shall be the duty of the Chief to call out for practice drills, whenever he deems it necessary, any or all companies for such drills when and where he may think advisable, but each company shall be drilled and trained not less than once each month. These drills and training will be so arranged that they will include the proper and efficient handling of all appliances, apparatus and equipment, plus procedures for forcible entry, salvage work, lifesaving and modern methods of extinguishment.

E. The Deputy Chief and Assistant Chiefs shall aid the Chief, under his direction, and, in the case of his absence from or late arrival at a fire, shall assume and perform such duties and be invested with the same power and authority as the Chief until his arrival.

§ 11-6. Obedience to orders of officers.

All the companies of the Fire Department at Narberth and every member of said companies on duty at fires shall render implicit obediences to the orders of the Chief, Deputy Chief or other officer in charge.

§ 11-7. Suspension or dismissal of members.

It shall be the duty of the Chief or, in his absence, the Deputy Chief to suspend or dismiss any member of the Department who refuses to obey his orders or for insubordination, improper conduct or violation of rules, either at a fire or company drills. Any member suspended or dismissed by the Chief may appeal from such decision to the Narberth Fire Company, Narberth, Pennsylvania, through its proper designated officers at its next meeting.

§ 11-8. Annual appropriations.

It shall and may be lawful for the Council to appropriate annually to the company or companies comprising the Fire Department of the Borough of Narberth, Pennsylvania, such sums as in the opinion of the Council may be right and proper.

Chapter 13

FIRE RELIEF ASSOCIATION

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 11.

§ 13-1. Recognition as official relief association; powers.

The Narberth Fire Relief Association is hereby recognized as the official relief association of the Narberth Fire Department, and this Association is authorized to receive and disburse funds for lawful purposes.

Chapter 21

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 10-10-1960 by Ord. No. 506; approved 10-10-1960; Art. II, 10-11-1954 by Ord. No. 446, approved 10-11-1954. Sections 21-3, 21-4, 21-6F and I, 21-12 and 21-13 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation — See Ch. 36.

ARTICLE I
Manager; Assistant Manager
[Adopted 10-10-1960 by Ord. No. 506, approved 10-10-1960]

§ 21-1. Creation of offices.

The offices of Borough Manager and Assistant Borough Manager are hereby created, subject to the right of the borough by ordinance at any time to abolish either or both of said offices.

§ 21-2. Appointment; removal.

As soon as practicable after the passage of this Article, Council shall appoint by vote of a majority of the members one person to fill the office of Borough Manager and one person to fill the office of Assistant Borough Manager for an indefinite term and until his or her successor is appointed and is qualified. Council may at any time remove the Borough Manager or Assistant Borough Manager from office by a vote of the majority of its members.

§ 21-3. Qualifications. [1]

The Borough Manager shall be a citizen of the United States at least 21 years of age, and the Assistant Borough Manager shall be a citizen of the United States at least 21 years of age, and they shall have such training and experience as shall enable them to perform the duties imposed upon the offices in a successful and businesslike manner.

§ 21-4. Bond. [2]

Before entering upon their duties, the Borough Manager and Assistant Borough Manager shall each give a bond to the borough with a trust company or bonding company as surety, to be approved by the Council, and at the expense of the borough, conditioned for

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**
2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

the faithful performance of their respective duties.

§ 21-5. Salaries.

The salaries of the Borough Manager and of the Assistant Borough Manager shall be as fixed by Council in the fiscal ordinance each year.

§ 21-6. Powers and duties of Manager.

Subject to recall at any time by resolution of Council, the powers and duties of the Borough Manager shall include the following:

A. He shall, under the direction of the Mayor, execute and enforce the laws of the commonwealth and the ordinances, resolutions and bylaws of the borough.

B. He shall attend all meetings of Council and recommend such measures as he shall deem expedient.

C. He shall make a monthly report to Council and at such other times as Council may direct upon the affairs of the borough and keep Council fully advised of the borough's condition and its financial needs.

D. He shall prepare and submit to Council before the end of any fiscal year a tentative budget for the next fiscal year.

E. He shall attend to the letting of contracts in due form of law and supervise the performance and faithful execution of the same, except insofar as such duties are expressly imposed upon some other borough officer by statute.

F. He shall have full power to purchase all supplies and equipment for the use of his own and various departments and offices of the borough; provided, however, that no single article shall be in excess of $500 unless authorized by the Council. He shall keep an account of all purchases made by him and shall, from time to time and as directed by the Council, make a full written report thereof.[3]

G. He shall see that all moneys owing the borough are promptly paid and that proper proceedings are taken for the security and collection of all borough claims.

H. The Borough Manager shall annually present to Council, not more than 30 days after the close of each fiscal year, a correct and detailed statement and report of the preceding year's work of his office, with a detailed statement of all moneys received and expended.

I. He shall perform the duties of the Borough Secretary, Superintendent of Public Works, Building Inspector and such other duties as may be, from time to time by ordinance or resolution, conferred upon him.[4]

J. He shall cooperate with Council at all times and in all matters that the best interests

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3. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

4. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

of the borough and the general public may be maintained.

§ 21-7. Powers and duties of Assistant Manager.

Subject to recall at any time by resolution of Council, the powers and duties of the Assistant Borough Manager shall be those of the Borough Manager delegated by him; provided, however, that such delegation shall not in any manner relieve the Borough Manager from any responsibility for the proper exercise of any such powers or performance of any such duties so delegated. The Assistant Secretary of the borough may also be the Assistant Borough Manager when so appointed.

§ 21-8. Right of Council to modify or amend provisions.

The borough reserves the right at any time by ordinance to amend or otherwise modify or repeal this Article in any particular.

ARTICLE II
Assistant Borough Secretary
[Adopted 10-11-1954 by Ord. No. 446, approved 10-11-1954]

§ 21-9. Creation of office.

The office of Assistant Secretary is hereby created and established, subject to the right of the borough at any time to abolish said office by ordinance or resolution.

§ 21-10. Appointment; term; removal.

As soon as practicable after the passage of this Article, Council shall elect by vote of a majority of the members one person to fill said office, who shall serve until the first Monday of January of the even-numbered year succeeding his or her election and until his or her successor is elected and qualified. Thereafter the office shall be filled biennially. In the case of a vacancy, Council shall by a vote of a majority of members fill said office for the unexpired term. Council may at any time remove the Assistant Secretary from office by a vote of a majority of members.

§ 21-11. Duties and powers.

Said person elected to office shall be vested with all of the duties, powers and authority of the Secretary as provided by law, when the Secretary is absent from the borough or unable to serve for more than two weeks.

§ 21-12. Salary. [5]

The salary of the Assistant Secretary shall be as provided for by Council in the Salary Ordinance.[6]

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5. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

6. **Editor's Note: As to salaries and compensation generally, see Ch. 36.**

§ 21-13. Bond. [7]

Before entering upon the duties of said office, the Assistant Secretary shall give a bond to the borough with a trust company or bonding company as surety, to be approved by the Council, and at the expense of the borough, conditioned for the faithful performance of the duties of the office.

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7. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 24

PLANNING COMMISSION

[HISTORY: Adopted by the Council of the Borough of Narberth 2-14-1938 by Ord. No. 323, approved 2-14-1938. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 124.

§ 24-1. Creation of Planning Department.

A Department of Borough Planning is hereby created and established under and by virtue of the authority of the Act of Assembly approved May 4, 1927, P.L. 519, Article II.[1]

§ 24-2. Appointment of Commission; members; terms.

The Mayor, with the approval of Council, shall forthwith appoint five persons residing in the borough to be the first members of the Borough Planning Commission, for respective terms to expire on the first Monday of January of the years 1939, 1940, 1941, 1942 and 1943 or when their respective successors are duly appointed and qualified. Upon the expiration of the term of each of the first five Commissioners, a successor shall be similarly appointed for a term of five years.

§ 24-3. Rights and powers.

The rights and powers of the Borough Planning Commission shall be as provided by law.[2]

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1. **Editor's Note: This Act was superseded February 1, 1966, by P.L. (1965) — No. 581 (1966 Borough Code), which was repealed July 3, 1968, by P.L. 805, No. 247 (Pennsylvania Municipalities Planning Code). For current provisions pertaining to planning commissions, see 53 P.S. § 10201 et seq.**

2. **Editor's Note: Original Section 4 of this ordinance, which pertained to submission of a budget and payment of expenses, was deleted at time of adoption of Code. See Ch. 1, General Provisions, Art. I.**

Chapter 27

POLICE DEPARTMENT

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 12-8-1952 by Ord. No. 421, approved 12-9-1952; Art. II, 6-12-1961 by Ord. No. 514, approved 6-12-1961. Section 27-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 11.
Police Pension Fund — See Ch. 29.
Salaries and compensation — See Ch. 36.

ARTICLE I
Police Force Established
[Adopted 12-8-1952 by Ord. No. 421, approved 12-9-1952]

§ 27-1. Establishment; members. [Amended 8-11-1975 by Ord. No. 658, approved 8-21-1975; 5-10-1982 by Ord. No. 719, approved 5-10-1982; 5-9-1983 by Ord. No. 732, approved 5-9-1983; 6-11-1984 by Ord. No. 739, approved 6-11-1984]

A police force be and the same is hereby established to consist of not more than one Chief of Police, not more than one Sergeant of Police, not more than one Corporal of Police and not more than seven regular and probationary patrolmen to be appointed by the Council. The period of probation shall be one year. In addition to or in lieu of regular and probationary patrolmen, the Council may, at its discretion, appoint as many part-time and auxiliary patrolmen as it deems necessary for the protection of the Borough of Narberth.

§ 27-2. Supervision. [Amended 8-11-1975 by Ord. No. 658, approved 8-21-1975; 5-10-1982 by Ord. No. 719, approved 5-10-1982; 5-9-1983 by Ord. No. 732, approved 5-9-1983; 6-11-1984 by Ord. No. 739, approved 6-11-1984]

The said Chief of Police, Sergeant of Police, Corporal of Police and patrolmen, including regular, probationary, part-time and auxiliary, shall be under the direction of the Mayor as to the time during which, the place where and the manner in which they shall perform their duties.

§ 27-3. Salaries. [1]

The salaries of policemen shall be fixed in the same manner as the compensation of other employees of the borough is fixed.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. As to salaries and compensation generally, see Ch. 36.**

ARTICLE II

Reciprocal Arrangement With Lower Merion Township Police Department

[Adopted 6-12-1961 by Ord. No. 514, approved 6-12-1961]

§ 27-4. Arrangement approved.

A reciprocal arrangement between the Police Department of the Borough of Narberth and the Police Department of the Township of Lower Merion is hereby approved and established, such arrangement to become effective on June 16, 1961.

§ 27-5. Township police officers appointed as members of Borough Police Department; service without compensation.

All regular police officers of the Township of Lower Merion are hereby appointed police officers and members of the Police Department of the Borough of Narberth. All such Township police officers shall take the oath of office before a District Justice of the Borough of Narberth and shall serve without any compensation in addition to that received from the Township.

§ 27-6. Investigations and arrests in Township.

In the event that a police officer of the Borough of Narberth shall make an investigation in the Township of Lower Merion, information acquired by him in the course of such investigation shall be turned over to the officer of the Township of Lower Merion on duty at the time the investigation is being conducted or as soon thereafter as may be practical. Arrests made in the Township shall, whenever possible, be made by a regular police officer of the Township and not by a borough officer, except when a Township officer is not present and a violation is committed in the presence of an officer of the borough.

§ 27-7. Authority of ranking borough officer; authority of Mayor.

In the event that officers of the Borough of Narberth and of the Township of Lower Merion are engaged in the same police activity within the Borough of Narberth at the same time, the ranking police officer of the Borough of Narberth shall be in charge, regardless of the rank of the Lower Merion Township police officer or officers, and the Mayor of Narberth shall at all times have the power and authority to direct the activities of the police officers of the Borough of Narberth.

§ 27-8. Prosecutions.

All prosecutions shall be brought before a District Justice of the borough or the Township, as the case may be, wherein the violation of law was committed.

§ 27-9. Borough officers authorized to accept appointments as Township officers.

All regular police officers of the Borough of Narberth are hereby authorized to accept appointments as police officers of the Township of Lower Merion.

Chapter 29

POLICE PENSION FUND

[HISTORY: Adopted by the Council of the Borough of Narberth 2-10-1958 by Ord. No. 478, approved 2-10-1958. Amendments noted where applicable.]

GENERAL REFERENCES

Employees' retirement system — See Ch. 8.
Police Department — See Ch. 27.
Salaries and compensation generally — See Ch. 36.

§ 29-1. Short title.

This chapter shall be known and may be cited as "Narberth Borough Police Pension Ordinance."

§ 29-2. Establishment of fund; maintenance.

Municipal Police Pension Fund is hereby established for the Borough of Narberth pursuant to Act No. 600, approved May 29, 1956, as amended by Act No. 358, approved July 10, 1957,[1] to be maintained by:

A. A charge against each member of the police force.

B. Annual appropriations by the borough.

C. Payments made by the State Treasurer to the Borough Treasurer from the moneys received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pension retirement for policemen.

D. Gifts, grants, devises or bequests granted to this Police Pension Fund.

§ 29-3. Administration.

The Municipal Police Pension Fund created by this chapter shall be managed and administered by three individual trustees to be appointed by Council. Initially one trustee shall be appointed to serve for one year, one for two years and one for three years. Thereafter, each trustee shall be appointed for a three-year term. The three trustees may, with the approval of Council, appoint such persons or corporate fiduciaries as they deem necessary to manage, administer, maintain and invest the Police Pension Fund. The trust shall be managed and administered under an appropriate deed of trust to be prepared by the Borough Solicitor and approved by the Borough Council.

§ 29-4. Service and age qualifications. [Amended 12-9-1968 by Ord. No. 579; 2-11-1985 by

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1. **Editor's Note: See 53 P.S. §§ 767 and 778.**

Ord. No. 747, approved 2-11-1985]

A. The benefits from this Police Pension Fund shall be payable to police officers who have served in this borough for an aggregate total of at least 25 years and have attained the age of at least 54 years, after which members of the force may retire from active duty; but retired members shall be subject to temporary service from time to time as a police reserve in cases of riot, tumult or preservation of public peace until unfitted for said service, when they may finally be discharged by reason of age or disability.

B. Each police officer's pension shall become vested upon the completion of his 12th year of service.

C. In the event that a police officer who is retired and is receiving a pension dies, leaving a widow to survive him, said widow shall be paid 1/2 of the deceased police officer's pension until her death or remarriage. If upon the death or remarriage of said widow (or upon the death of the police officer if no widow survives) a natural or adopted child or children of said police officer under the age of 18 years survives, said 1/2 of the deceased police officer's pension shall be paid to or for the benefit of such child or children until such time as each such child shall attain the age of 18 years. Payments for the benefit of a child or children under the age of 18 years may be made by the borough or its authorized representatives without the intervention of a guardian, and the receipt of such person as may be selected by the borough or its authorized representatives to disburse the same shall be a sufficient acquittance.

D. In cases where a police officer has attained the age and required years of necessary service to be eligible for retirement but who dies prior to actual retirement, his widow, or if no widow survives or if she survives and subsequently dies or remarries, then the child or children of the police officer, natural or adopted, under the age of 18 years, shall jointly receive a pension calculated at the rate of 50% of the pension which said police officer would have received had he been retired at the time of his death.

§ 29-5. Credit for military service.

Any member of the police force who has been in regular service in the force at least six months and who thereafter enters the military service of the United States shall have credited to his employment record for pension benefits all of his time in military service if he returns to his employment within six months after his separation from military service.

§ 29-6. Benefits not to be a charge on other funds.

Payments made under the provisions of this chapter shall not be a charge on any other fund in the treasury of the borough or under its control save this Police Pension Fund.

§ 29-7. Basis for determination of pension. [Amended 3-12-1973 by Ord. No. 630, approved 3-12-1973; 2-11-1985 by Ord. No. 747, approved 2-11-1985]

The basis for determining any retirement pension payable under this chapter, following the retirement or eligibility for retirement of any member of the police force meeting the service and age qualifications herein specified, shall be as follows: Monthly pension benefits shall be 1/2 the monthly average salary of such member during the last 36 consecutive months of employment, including in such computation all moneys paid to such member, such as overtime, holiday, longevity and shift-differential pay. Such pension benefits for any month shall be computed as the sum of:

A. Any eligible pension benefit provided by the Lower Merion Township Police Pension Association (a private nonprofit organization duly incorporated by decree of the Court of Common Pleas of Montgomery County on April 12, 1924) as defined in Act No. 600 of the General Assembly, enacted May 29, 1956, as amended (53 P.S. § 767 et seq.).

B. Seventy-five per centum of the full social security oldage insurance benefit, calculated in accordance with the provisions of the federal social security laws, for which the officer may be eligible because of age.

C. Benefits from the Police Pension Fund created by this chapter to the extent necessary to bring the total benefits in any month up to 1/2 the aforesaid monthly average salary.

§ 29-8. Employment of actuary; duties. [Amended 2-11-1985 by Ord. No. 747, approved 2-11-1985]

The borough shall employ an actuary at a compensation to be determined from time to time by the Council. The actuary shall determine the present value of the liability for the pensions payable under § 29-7 hereof to police officers for service prior to the effective date of this chapter. The unfunded liability for the past service cost shall be paid entirely by the borough; provided, however, that it may be funded over a period not to exceed 25 years. The actuary shall also determine the amount which shall be contributed annually to the fund for the service of police officers subsequent to the establishment of the fund (the future service cost).

§ 29-9. Payments into fund by police officers.

Members of the police force shall pay into this Police Pension Fund monthly an amount to be determined annually by a resolution of Council, but which shall not be less than 2% nor more than 5% of the monthly compensation on which social security allowances are payable and shall not be less than 5% nor more than 8% of any monthly compensation in excess of that on which social security allowances are payable, less a credit for the amount of the monthly dues paid by the police officers to the Lower Merion Police Pension Association. The Borough Secretary is hereby authorized to establish a system of payroll deductions necessary for the administration of the fund. The remainder of the needed annual contribution as determined by the actuary shall be paid to the fund by the borough by annual appropriations.

§ 29-10. Payments from State Treasurer.

Payments by the State Treasurer to the Borough Treasurer from taxes paid upon premiums by foreign casualty insurance companies for pensions for police officers shall be applied as follows:

A. To reduce the unfunded past service liability, and, after such liability has been funded.

B. To reduce the annual obligation of the borough for future service cost, or, to the extent that the payment may be in excess of such obligation,

C. To reduce the contributions of police officers.

§ 29-11. Continuation of private Police Pension Association.

Contributions by policemen to Lower Merion Township Police Pension Association may be continued; provided, however, that no borough funds received from the State Treasurer, as aforesaid, shall be paid to the said Association.

§ 29-12. Refund.

Any member of the police force who for any reason shall be ineligible to receive a pension hereunder after having contributed to this Police Pension Fund shall be entitled to a refund of all such moneys paid by him into the fund immediately upon discontinuance of his employment with the police force. If such discontinuance is due to death, such moneys shall be paid to his designated beneficiary or to his estate.

§ 29-13. Pensions free from attachment.

The pensions herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the member or his designated beneficiary or to his estate, and shall not be subject to assignment or transfer.

§ 29-14. Administrative expenses.

The expenses of management and administration of the fund, including the compensation of the trustees and the actuary, shall be paid by the borough.

Chapter 36

SALARIES AND COMPENSATION

[The salaries and compensation of all officers and employees of the Borough of Narberth are set forth from time to time by ordinance or resolution of the Council. A copy of the current salary provisions is kept on file by the Borough Secretary for examination and inspection by the public.]

GENERAL REFERENCES

Employees' retirement system — See Ch. 8.
Social security — See Ch. 40.

Chapter 37

SHADE TREE COMMISSION

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. II, 11-18-1946 by Ord. No. 380, approved 11-18-1946. Sections 37-2, 37-3, 37-5, 37-6, 37-7 and 37-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

ARTICLE I
Creation
[Adopted at time of adoption of Code[1]]

§ 37-1. Commission established; term of members.

A Shade Tree Commission is hereby established by the Borough of Narberth, and the Council of said borough is hereby authorized and empowered to appoint three citizens to comprise such Commission, one for a term of three years, one for a term of four years and one for a term of five years.

ARTICLE II
Powers and Duties
[Adopted 11-18-1946 by Ord. No. 380, approved 11-18-1946]

§ 37-2. Custody and control of trees. [2]

The Shade Tree Commission of the Borough of Narberth shall have custody and control of the shade trees in and upon the public streets of the borough and shall have authority to plant, transplant, remove, maintain and protect such trees.

§ 37-3. Definitions. [Amended 5-10-1948 by Ord. No. 387, approved 5-10-1948[3]]

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

SHADE TREES — Any tree on any public street in said borough or any tree or portion of a tree on private property which extends within the lines of any public street in the borough.

§ 37-4. Cutting; spraying; attaching objects; protective devices.

It shall be unlawful for any person, without first obtaining a permit from the Shade Tree

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1. **Editor's Note: See Ch. 1, General Provisions, Art. I.**
2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**
3. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Commission, to cut, prune, break, climb with spurs, injure in any manner or remove any shade tree; to cut down or interfere in any way with the main roots of any shade tree; to spray any shade tree with any chemicals or insecticides; to place any rope, guy wire, cable, signs, posters or any fixtures on any shade tree or shade tree guard; or to damage, misuse or remove any device placed to protect shade trees, except in case of immediate necessity for protection of life or property.

§ 37-5. Planting, removal or transplanting. [4]

No tree shall be planted, transplanted or removed within the limits of any public street in the borough except with approval of the Shade Tree Commission as evidenced by a permit granted therefor. Such permit shall designate the place where such tree is to be planted, transplanted or removed. The Shade Tree Commission may refuse a permit to plant or transplant any species of tree which, in its opinion, is not suited to the location.

§ 37-6. Trimming; clearance over walks and streets. [5]

All trees within the lines of any public street in the borough shall be kept trimmed so that the minimum height over any public walk shall be nine feet and the minimum height over any public road or street shall be 14 feet; provided, however, that the Shade Tree Commission may designate a higher clearance on certain streets where heavy traffic or other conditions make it expedient. All trees standing on private property and not within the lines of the public street, but having branches projecting over a public street or walk, shall be trimmed so that the lowest clearance shall be nine feet and 14 feet for the walk and roadway, respectively, or such other height as may be specified by the Shade Tree Commission.

§ 37-7. Costs of planting, trimming, pruning, installing protection and replacing pavement. [6]

The cost of planting, transplanting, trimming, pruning and removing any shade trees as defined in § 37-3 hereof, of installing or removing the necessary and suitable guards, curbing or grading for the protection thereof and of the replacing of any pavement or sidewalk disturbed in the execution of such work shall be paid by the owner of the property in front of which any of said work is done.[7]

§ 37-8. Violations and penalties. [8]

Any person who shall violate or fail to comply with any of the provisions of this Article

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4. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

5. **Editor's Note: Amended a time of adoption of Code; see Ch. 1, General Provisions, Art. I. Original Section 6, which immediately followed this section and pertained to payment of costs of trimming and pruning trees, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. For current provisions, see § 37-7 of this Article.**

6. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

7. **Editor's Note: Original Sections 8, 9 and 10, which immediately followed this section and related to assessment of costs against property owners, were deleted at time of adoption of Code. See Ch. 1, General Provisions, Art. I.**

8. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

and the decisions and orders of the Shade Tree Commission of the Borough of Narberth made hereunder shall be liable, upon conviction of said violation, to a fine or penalty not exceeding $300, plus costs of prosecution, and, in default of payment of such costs and prosecution, imprisonment for a term not exceeding 30 days.

Chapter 40

SOCIAL SECURITY

[HISTORY: Adopted by the Council of the Borough of Narberth 9-8-1952 by Ord. No. 418, approved 9-8-1952. Amendments noted where applicable.]

GENERAL REFERENCES

Employees' retirement system — See Ch. 8.
Salaries and compensation — See Ch. 36.

§ 40-1. Legislative intent; statutory authority.

It is the considered opinion of the Council of the Borough of Narberth that the extension of the social security system to certain employees of the borough will be of great benefit not only to the employees of the borough by providing that said employees may participate in the provisions of the old age and survivors' insurance system, but also to the borough by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government; and such coverage is made possible by the enactment by the 1951 Session of the General Assembly of the Commonwealth of Pennsylvania, in regular session, of a statute approved January 5, 1952, and known as Act No. 491,[1] which is the Enabling Act provided for in Section 218 of Public Law 734, 81st Congress,[2] and which designated the Secretary of Labor and Industry of the Commonwealth of Pennsylvania to act as the state agency to implement the coverage of certain employees and officers under the said old age and survivors' insurance system.

§ 40-2. Authorization to execute plan and agreement.

The Borough of Narberth is hereby authorized to execute and deliver to the state agency a plan or plans and agreement, required under Section 6 of said Enabling Act and the Social Security Act, to extend coverage to all employees of the Borough of Narberth who shall be eligible under the provisions of the Social Security Act and of said Enabling Act and of the plan adopted as hereafter provided, and to do all other necessary things to effectuate coverage of employees and officers under the old age and survivors' insurance system.

§ 40-3. Deductions and contributions; interest on delinquent payments.

The Borough Secretary is hereby authorized to establish a system of payroll deductions to be matched by payments by the Borough of Narberth to be made into the Contribution Fund of the Social Security Act through the office of the state agency, and to make charges of this tax to the fund or funds from which wage or salary payments are issued to

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1. **Editor's Note: See 65 P.S. § 201 et seq.**
2. **Editor's Note: See 42 U.S.C. § 418.**

employees of the Borough of Narberth. Such payments are to be made in accordance with the provisions of the law and regulations promulgated by the state agency and the Federal Social Security Administrator. Such payments which are delinquent shall bear interest at the rate of 1/2 of 1% per month until such time as payments are made.

§ 40-4. Appropriation of funds.

Appropriation is hereby made from the proper fund or funds of the Borough of Narberth in the necessary amount to pay into the Contribution Fund as provided in Section 4 of the Enabling Act and in accordance with the plan or plans and agreement.

§ 40-5. Commencement of participation. [Amended 12-20-1952 by Ord. No. 424, approved 12-20-1952]

The Mayor and the Secretary of the Borough of Narberth are hereby authorized to enter into an agreement with the state agency, which agreement shall be in accordance with said Act No. 491[3] and with said Paragraph 218 of the Social Security Act.[4] Such plan and agreement shall provide that the participation of the Borough of Narberth shall commence January 1, 1951.

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3. **Editor's Note: See 65 P.S. § 201 et seq.**

4. **Editor's Note: See 42 U.S.C. § 418.**

Chapter 43

ADULT USES

[HISTORY: Adopted by the Council of the Borough of Narberth 6-14-1982 by Ord. No. 721, approved 6-14-1982. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 57.

§ 43-1. Legislative declaration; applicability.

The Borough Council finds and declares that the crass commercial exploitation of explicit sexual conduct through the public exhibition of lewd films and the display and/or sale of lewd publications and the use of so-called massage parlors and model studios for purposes of lewdness, assignation or prostitution constitutes a debasement and distortion of a sensitive key relationship of human existence central to family life, community welfare and the development of human personality, is indecent and offensive to the senses and to public morals and interferes with the comfortable enjoyment of life and property in that such interferes with the interest of the public in the quality of life and total community environment, the tone of commerce in the borough, property values and the public safety and that the operation of such activities is detrimental to the best health, safety, convenience, good morals and general welfare of the Borough of Narberth and of the residents, citizens, inhabitants and businesses thereof. This chapter shall apply to existing establishments which are presently engaged in the type of activity herein declared to be a public nuisance.

§ 43-2. Definitions.

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

KNOWLEDGE or KNOWLEDGE OF SUCH NUISANCE — Having knowledge of the contents and character of the patently offensive sexual conduct or demonstration which appears in the film or publication or knowledge of the acts, lewdness, assignation or prostitution which occurs on the premises.

LEWD MATTER

A. Any matter which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest and which depicts or describes patently offensive representations or descriptions of:

   (1) Human masturbation, sexual intercourse or any touching of the genitals, pubic area or buttocks of the human male or female or the breast of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or, gratification.

(2) Human genitals in a state of sexual stimulation or arousal; any act of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of the human genitals, pubic region, buttocks or female breast area.

B. Nothing herein contained is intended to include or prescribe any matter which, when considered as a whole and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

MASSAGE — Any method of treating the superficial soft parts of the human body for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading or any similar treatment accomplished by hand or by the use of any instrument.

MASSAGE PARLOR — Any building or structure or portion thereof located within the borough, which is open to members of the general public, with or without the payment of a fee, at which massage services are offered.

MATTER — A motion-picture film or a publication, or both.

MODEL STUDIO

A. Includes:

(1) Any premises on which there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee or other consideration or compensation or gratuity for the right or opportunity so to depict the figure model or for admission to the premises or for permission to remain upon or as a condition for remaining upon the premises; or

(2) Any premises where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

B. The words "model studio" do not include any of the following:

(1) Any studio which is operated by any state college or junior college, public school or any governmental agency wherein the person, firm, association, partnership or corporation operating it has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of and is in fact authorized thereunder to issue and confer a diploma or honorary diploma.

(2) Any premises where there is conducted the business or furnishing, providing or procuring figure models solely for any studio described in Subsection B(1) of this definition.

(3) Any studio operated by a tax exempt, nonprofit corporation devoted to the development of art and its appreciation.

MOTION-PICTURE FILM

A. Any film or plate negative.

B. Any film or plate positive.

C. Any film designed to be projected on a screen for exhibition.

D. Any films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen.

E. Any video tape or any other medium used to electronically reproduce images on a screen.

NUDE

A. Completely without clothing; or

B. The human male or female genitals, pubic area or buttocks exposed with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the covered male genitals in a discernibly turgid state.

PERSON — Any individual, partnership, firm, association, corporation or other legal entity.

PLACE — Includes but is not limited to any building, structure or space or any separate part or portion thereof, whether permanent or not, or the ground itself.

PUBLICATIONS — Any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording or motion-picture film which is displayed in an area open to the public, offered for sale or exhibited in a coin-operated machine.

SALE — A passing of title or right of possession from a seller to a buyer for valuable consideration and shall include but is not limited to any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of or transfer of possession of lewd matter.

§ 43-3. Lewd films and theatrical exhibitions as nuisances.

A. Any and every place in the Borough of Narberth where lewd films are publicly exhibited or possessed for the purpose of such exhibition and any and every place in the Borough of Narberth where a lewd film is publicly or repeatedly exhibited or possessed for such exhibitions is a public nuisance.

B. Any and every lewd film which is publicly exhibited or possessed for such purpose at a place which is a public nuisance under Subsection A above is a public nuisance per se.

C. From and after service on the place or theater, its manager, acting manager or person then in charge of such place of a true and correct copy of this chapter and a true and correct copy of the resolution and order of summary abatement provided for in § 43-7 hereof, all moneys paid thereafter as an admission price to such exhibitions are also declared to be a public nuisance as personal property used in

conducting and maintaining a declared public nuisance.

§ 43-4. Lewd publications as nuisances.

A. Any and every place in the Borough of Narberth in which lewd publications constitute a part of the stock-in-trade is a public nuisance.

B. Any and every lewd publication possessed at a place which is a public nuisance under Subsection A above is a public nuisance per se.

C. From and after service on the place, its manager, acting manager or person then in charge of such place of a true and correct copy of this chapter and a true and correct copy of the resolution and order of summary abatement provided for in § 43-7 hereof, all valuable consideration received for the sale of such lewd publications is also declared to be a public nuisance as personal property used in conducting and maintaining a declared public nuisance.

§ 43-5. Massage parlors and model studios as nuisances.

A. Every massage parlor or model studio which, as a regular course of business, is used for the purposes of lewdness, assignation or prostitution and every such massage parlor or model studio in or upon which acts of lewdness, assignations or prostitution are held or occur is a public nuisance which shall be enjoined, abated and prevented.

B. From and after service on the place, its manager, acting manager or person then in charge of such place of a true and correct copy of this chapter and a true and correct copy of the resolution and order of summary abatement provided for in § 43-7 hereof, all moneys or other valuable consideration paid for services rendered to customers are also declared to be a public nuisance as personal property used in conducting and maintaining a declared public nuisance.

§ 43-6. Presumption of knowledge upon service of documents.

A. Upon and after receiving notice through service of a true and correct copy of this chapter and of a true and correct copy of the resolution and order of summary abatement provided for in § 43-7 hereof, any and every person who shall own, legally or equitably, lease, maintain, manage, conduct or operate a place in the Borough of Narberth which is declared to be a public nuisance as set forth and stated in § 43-3, 43-4 or 43-5 of this chapter is deemed to be a person who has knowledge of such nuisance for the purpose of this chapter and is thereafter responsible for its maintenance and shall be liable therefor.

B. The places and subject matter declared to be public nuisances under § 43-3, 43-4 or 43-5 shall be abated as provided for herein.

§ 43-7. Action by Council; adoption of resolution.

Upon a specific finding that a public nuisance, as defined in § 43-3, 43-4 or 43-5 of this chapter, exists in the Borough of Narberth, the Borough Council, in applying the

provisions of this chapter to such nuisance, shall provide for the following by resolution:

A. Declare the fact that such nuisance exists.

B. Set forth the description or legal description and street address of the place which constitutes the nuisance.

C. Set forth the evidentiary facts considered by the Borough Council in arriving at its factual determination.

(1) In the case of a motion-picture film or films, such shall include a recitation of the particular sexual conduct and acts which the Borough Council finds are patently offensive and the basis for the finding by the Borough Council that:

(a) Such films are publicly exhibited in the course of business.

(b) Such films are publicly or repeatedly exhibited or held for such exhibition at the place declared to be a nuisance.

(2) In the case of a publication or publications, such shall include a recitation of:

(a) The particular publications considered by the Borough Council and those which the Borough Council finds to be patently offensive.

(b) The basis for the finding by the Borough Council that such publications are displayed, sold or held for sale at any place found by the Borough Council to be a public nuisance.

(c) The basis of the finding by the Borough Council that such publications constitute a part of the stock-in-trade of such place of business or other place.

(3) In the case of a massage parlor or model studio, such shall include a recitation of:

(a) The particular acts of lewdness, assignation or prostitution which have occurred.

(b) The basis for the finding by the Borough Council that such acts occur in the course of business.

D. Order all persons described in § 43-6A hereof to summarily abate such public nuisance within 24 hours of service of such order on any such persons by terminating the exhibition, sale or possession for sale of such lewd subject matter or by ceasing to use the place where the nuisance is declared to exist or by terminating the use of said premises for the purposes of lewdness, assignation or prostitution or causing the same to be terminated and notifying the Chief of Police of the borough of compliance therewith by sworn affidavit as ordered by the action of the Borough Council in such resolution.

E. Order the Solicitor for the borough to proceed as directed in § 43-9 of this chapter and do all things necessary to abate such public nuisance through judicial proceedings and to conclude such proceedings as expeditiously as is permissible

under the law, including requesting the court to advance such proceedings on the calendar of the court.

F. Inform and give notice to person designated in § 43-6A that:

(1) The Borough Council has determined that a public nuisance presently exists at such place and address and that under § 43-6A of this chapter they are deemed to have knowledge thereof and are responsible therefor.

(2) In the event that the order of the borough is not complied with within 24 hours, the Borough Council has ordered the Solicitor, as provided for under § 43-9 hereof, to commence necessary legal proceedings, naming such persons as defendants in a civil action to abate the same judicially under § 43-7 of this chapter, and that under § 43-8 of this chapter the costs of abatement of such civil abatement action filed, including investigative costs, court costs, attorneys' fees and other expenses, are made a special assessment against the parcel of land upon which such nuisance is being maintained and, upon their determination in such court action, will, by separate legal procedure, be made a lien against such property and a personal obligation against any person or persons, firm, association, partnership, corporation or other entity deemed to be in violation of this chapter.

(3) All lewd motion-picture films or lewd publications being used in conducting and maintaining such public nuisance are contraband and the subject of forfeiture.

(4) From and after service on the place, its manager, acting manager or person then in charge of such place of a true and correct copy of this chapter and a true and correct copy of such resolution, any and all moneys paid as an admission price to or for the exhibition or exhibitions of such lewd motion-picture films and valuable considerations received for the sale of such lewd publications and all moneys or other valuable considerations received for services rendered in such massage parlors or model studios are a public nuisance as personal property used in conducting and maintaining such nuisance and as such are the subject of forfeiture.

G. Order that a true and correct copy of said resolution and a true and correct copy of this chapter be delivered forthwith in any manner normally used to effectuate personal service of process to all persons of record having any legal or equitable interest in the real property and to the regular or acting manager or persons in charge of the place therein declared a public nuisance.

§ 43-8. Forfeitures; cost of abatement.

A. Upon judgment for the Borough of Narberth in legal proceedings brought pursuant to this chapter, an accounting shall be made by such defendant or defendants of all moneys or valuable consideration received by them which have been declared to be a public nuisance under § 43-3C, 43-4C or 43-5B of this chapter. Such moneys or their equivalent and any valuable consideration received shall be forfeited to the

general fund of the Borough of Narberth or to the Borough of Narberth as property of the Borough of Narberth if any valuable consideration received is not money.

B. Cost of abatement.

(1) The cost of abatement shall include the following:

(a) Investigative costs.

(b) Court costs.

(c) Reasonable attorneys' fees arising out of the preparation for and trial of the cause and appeals therefrom and other costs allowed on appeal.

(d) Printing costs of trial and appellate briefs and all other papers filed in such proceeding.

(2) Such cost of abatement is hereby made a special assessment against the parcel of land upon which such nuisance is maintained. Upon its determination in a civil action, such shall, by separate legal proceeding, be made in a lien against such property and personal obligation against any person or persons, firm, association, partnership, corporation or other entity and shall be collected at the same time in the same manner as ordinary borough taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary borough taxes. All laws applicable to the levy, collection and enforcement of borough taxes shall be applicable to such special assessment.

§ 43-9. Action by Solicitor.

Upon a specific finding by resolution of the Borough of Narberth of the fact that a public nuisance exists at a particular location, the Solicitor shall, not later than three days after passage of said resolution, commence legal proceedings by the filing of a civil action seeking the following relief:

A. A declaratory judgment that the matter named by the Borough Council is lewd as defined herein.

B. A declaratory judgment that the matter found to be lewd is or are public nuisances per se under this chapter and such resolution.

C. A declaratory judgment that each place named by the Borough Council is a public nuisance under this chapter and such resolution.

D. An accounting of all moneys paid as an admission price to or for the exhibition or exhibitions of such lewd motion-picture films and valuable considerations received for the sale of such lewd publications and all moneys or other valuable considerations received for services rendered in such massage parlors or model studios from and after the time that the persons maintaining said nuisance receive notice of the finding by the Borough Council by resolution that the public nuisance exists and a judgment that such moneys or valuable considerations are a public

nuisance under this chapter.

E. An order that all admission-price moneys or valuable considerations received and enumerated in the court-ordered accounting be forfeited as contraband to the general fund of the Borough of Narberth or as property belonging to the Borough of Narberth.

F. An injunction enjoining and restraining all persons responsible for maintaining said nuisance from possessing or publicly exhibiting said lewd motion-picture films or from selling or possessing for sale said lewd publications or from committing acts of lewdness, assignation or prostitution at any time in the future in the Borough of Narberth and such other injunctive relief as the court may order.

G. An order that all positive prints of the named lewd film and all lewd publications or copies or reproductions thereof be forfeited as contraband under this chapter.

H. Judgment for the Borough of Narberth for all costs therein expended, including investigative costs, court costs, reasonable attorneys' fees and such other expenses as are provided for herein.

I. All other relief as the court may deem proper.

Chapter 45

AIR GUNS AND PISTOLS

[HISTORY: Adopted by the Council of the Borough of Narberth 4-10-1950 by Ord. No. 400, approved 4-10-1950. Section 45-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 45-1. Storage, sale and possession prohibited.

It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to store, sell, offer or expose for sale at retail or have in their possession with intent to sell at retail or with intent to use within the limits of the Borough of Narberth any air gun, air pistol, spring gun or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen of such articles or any sale to anyone not a bona fide dealer therein.

§ 45-2. Seizure, confiscation and destruction authorized.

The Mayor or police are hereby authorized to seize, remove and destroy any air gun, air pistol, spring gun or any implement not a firearm which impels with force a pellet of any kind, which shall be used or discharged within the Borough of Narberth, or which shall be held and possessed in violation of this chapter.

§ 45-3. Violations and penalties. [1]

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not more than $300 and costs of prosecution or to imprisonment in the county prison for not more than 30 days, or both such fine and imprisonment.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 46

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Council of the Borough of Narberth 6-13-1983 by Ord. No. 733, approved 6-13-1983. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 57.

§ 46-1. Definitions.

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

ALCOHOLIC BEVERAGE — Liquor or malt or brewed beverage.

LIQUOR — Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures and reused, recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than 1/2 of 1% of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

MALT OR BREWED BEVERAGE — Any beer, lager beer, ale, porter or similar fermented malt beverage containing 1/2 of 1% or more of alcohol by volume, by whatever name such beverage may be called.

OPEN CONTAINER — Any of the following objects and any objects similar thereto: a glass, mug or other such drinking utensil; a bottle or jug from which the cap or cork has been removed or on which the seal has been broken; a can which has been punctured or from which the cap or snap top or snap tab has been removed; a keg which has been tapped; or a jar, jug or other immediate container of an alcoholic beverage which did not contain the alcoholic beverage contained therein when such alcoholic beverage was last purchased from a person licensed by the Pennsylvania Liquor Control Board to sell alcoholic beverages. "Open container" shall not include a bag, box or other similar wrapping or packaging of a container of an alcoholic beverage.

PUBLIC PLACE — Any public street or public real estate.

PUBLIC REAL ESTATE — All lands or buildings owned or leased by the Borough of Narberth, including parks and playgrounds owned by the Borough of Narberth.

PUBLIC STREET — The entire right-of-way of any public street, road or highway of the Borough of Narberth or of the County of Montgomery or of the Commonwealth of Pennsylvania, including the cartway, sidewalks and unpaved portions thereof, within the Borough of Narberth.

§ 46-2. Drinking or possession prohibited.

No person shall drink an alcoholic beverage, nor shall any person, firm, corporation or other organization possess an open container containing an alcoholic beverage, whether inside or outside of a motor vehicle of any part thereof, on or in any public place within the Borough of Narberth.

§ 46-3. Discarding of containers.

No person shall discard alcoholic beverage containers upon any public street, lane, sidewalk or public place or upon any private property without the express permission of the owner.

§ 46-4. Construal of provisions.

Nothing in this chapter shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any causes of action acquired or existing, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

§ 46-5. Violations and penalties.

Any person who shall violate any provision of this chapter shall be guilty of a summary offense and subject to a fine not exceeding $300 plus costs of prosecution or imprisonment for a term not exceeding 30 days, or both.

Chapter 46A

AMUSMENT DEVICES

[HISTORY: Adopted by the Council of the Borough of Narberth 9-13-1982 by Ord. No. 724, approved 9-13-1982. Amendments noted where applicable.]

GENERAL REFERENCES

Entertainment and exhibitions — See Ch. 64.

§ 46A-1. Definitions.

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

JUKEBOX — Any device for the rendition of music upon the insertion of a coin, slug, token, plate, key or disc.

MECHANICAL, ELECTRONIC OR VIDEO AMUSEMENT DEVICE — Any device which, upon the insertion of a coin, slug, token, plate, key or disc, may be operated for use as a game or entertainment, whether or not registering a score, provided that the term "mechanical, electronic or video amusement device" shall not include any gambling device or any mechanism which has been judicially determined to be a gambling device.

PERSON — Any natural person, association, partnership, firm or corporation, limited partnership or unincorporated enterprise. The singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 46A-2. License required.

From and after the date hereof, no person may offer for amusement or enjoyment within the Borough of Narberth any mechanical, electronic or video amusement device or jukebox music device without first having procured a license therefor from the Borough Manager.

§ 46A-3. Application for license; investigation; issuance of license.

A. Any person desiring to procure a license for a mechanical, electronic or video amusement device or jukebox shall apply therefor, in writing, to said Borough Manager on or before the 31st day of January of each year or within 10 days after any later date in any year on which he purchases or receives such a device or jukebox. The full license fees for each such device or jukebox shall accompany each application. Such application shall set forth the name of the applicant, the address at which such device is to be located and the number and character and type of such devices which have previously been installed at the date of this chapter. All applications are to be signed by the applicant.

B. The Borough Manager or any other person designated by the Borough Council shall

investigate the facts set forth in the application.

C. After the investigation is completed, a license may be issued.

§ 46A-4. Gambling devices.

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any machine or mechanism that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary to any future law of the Commonwealth of Pennsylvania.

§ 46A-5. Fees.

A. The fees for each mechanical or electronic amusement device and jukebox shall be as follows:

(1) One hundred fifty dollars per calendar year for each mechanical, electronic or video game and amusement device, except jukeboxes, pinball machines, pool tables and bowling machines. [Amended 10-8-1984 by Ord. No. 741, approved 10-8-1984]

(2) Seventy-five dollars per calendar year for each jukebox and music device or machine which emits recorded music from a machine on the premises, pinball machine, pool table and bowling machine. [Amended 10-8-1984 by Ord. No. 741, approved 10-8-1984]

B. The fee for any license applied for on or after the first day of July of any calendar year shall be 50% of the fee for the full calendar year.

C. Every jukebox or mechanical, electronic or video amusement device shall require a separate and individual license and shall not be operated until the proper license is obtained and attached to the machine.

D. License fees shall not be refundable.

§ 46A-6. License form to be attached to machine; transferability.

A. Upon payment of the license fee provided by this chapter, the Borough Manager shall issue a license form for each machine so licensed, which said license shall be attached and fastened to the respective machine or device so that the same may be clearly observable and readable.

B. A license validly issued may be transferred during the term thereof to a machine of the same category after the original machine has been removed from the premises, but at no time is any machine to be connected or used without a valid license. No more than one transfer of a license for any machine shall be permitted during any license year.

§ 46A-7. Contents of license; transferal procedure.

A. Each license shall state the name of the applicant, the applicant's home address, the

type of machine, the name of the machine, the location of the machine, the serial number of the machine and the model number of the machine.

B. Any person who desires to have a license transferred from one machine to another of the same category shall apply to the Borough Manager, advising him of the serial number and model number of the new machine. The Borough Manager shall thereupon issue to such person a sticker or tag which shall, at all times, be attached to the original license.

§ 46A-8. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon summary conviction before any District Justice, be subject to a fine of not less than $25 and not more than $300 for each and every offense or imprisonment for not more than 30 days. Each and every day that any mechanical, electronic or video amusement game device or jukebox under the terms of this chapter shall be operated and used in violation thereof shall constitute a separate and distinct offense under this chapter and shall be subject to separate and distinct penalties thereon.

§ 46A-9. Unlicensed machines.

Any police officer of the Borough of Narberth may close down all jukeboxes, machines, electronic or video amusement devices in any place of business when one or more jukeboxes, mechanical, electronic or video amusement devices thereon is found to be operating without the proper license. All jukeboxes, mechanical, electronic or video amusement devices will remain shut down until a proper license is purchased. The owner, proprietor, manager or person in charge of the place where said mechanical, electronic or video amusement device is located shall be responsible for any unlawful use thereof while such is unlicensed.

Chapter 50

BUILDING CONSTRUCTION

[HISTORY: Adopted by the Council of the Borough of Narberth 4-13-1942 by Ord. No. 359, approved 4-13-1942. Sections 50-4, 50-9, 50-15, 50-16, 50-17A, 50-28, 50-31, 50-39, 50-45, 50-46B, 50-258B and 50-259 and Art. LXXIII amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 67.
Accumulation of rubbish — See Ch. 102.
Zoning — See Ch. 124.

Part 1
Administration

ARTICLE I
Title and Purpose

§ 50-1. Short title.

This chapter shall be known and may be cited as the "Narberth Building Code of 1942."

§ 50-2. Purpose and scope.

The purpose of this chapter is to provide minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; to regulate the equipment, maintenance, use and occupancy of all buildings or structures; and to fix the widths and openings of streets in certain districts. In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the borough.

§ 50-3. Conflicting regulations.

The provisions of this chapter shall be deemed to supplement any and all laws of the State of Pennsylvania and ordinances of this borough relating to buildings or structures and all rules and regulations adopted thereunder, provided that where this chapter imposes greater restrictions upon the construction, use, area or height of buildings or requires larger open spaces than are imposed by such laws, ordinances, rules and regulations, the provisions of this chapter shall control.

ARTICLE II
Building Inspector

§ 50-4. Appointment. [1]

The Borough Council shall appoint by a majority vote a properly qualified person to serve as Building Inspector for an indefinite term or until his successor shall be duly appointed. The Building Inspector may be removed for cause by the Council, but only after full opportunity has been given him to be heard on specific charges. No person shall be eligible for appointment as Building Inspector who cannot furnish evidence satisfactory to the Council that he is generally informed on the quality and strength of building materials and on the prevailing methods of building construction.

§ 50-5. Enforcement of provisions.

It shall be the duty of the Building Inspector and he is hereby given the power and authority to enforce the provisions of this chapter. For the purpose of enforcing compliance with the law, to remedy or remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in existing buildings or structures, he shall issue such notices or orders as may be necessary.

§ 50-6. Applications and permits.

The Building Inspector shall receive and examine all applications and accompanying plans and specifications required by this chapter. He shall approve such applications as are in conformity with the provisions of this chapter and issue permits therefor. He shall disapprove such applications as are not in conformity with the provisions of this chapter and refuse to issue permits therefor until they are modified so as to conform to all provisions of this chapter.

§ 50-7. Certificates of occupancy.

The Building Inspector shall receive and examine all applications for certificates of occupancy and issue such certificates where approved.

§ 50-8. Inspection of construction.

The Building Inspector shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely.

§ 50-9. Inspections. [2]

The Building Inspector shall, upon request or complaint, inspect buildings, other than single-family dwellings, to determine any changes in classification of occupancy or construction, to remedy illegal or unsafe conditions or to require adequate exit facilities.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**
2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

§ 50-10. Records.

The Building Inspector shall keep careful and comprehensive records of applications, of permits and certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of all papers and plans in connection with building permits for a period of not less than five years from the date of the issuance of the permit. All such records shall be kept on file at the office of the Council. They shall be open to inspection during regular office hours but shall not be removed from the office of the Council.

§ 50-11. Reports.

The Building Inspector shall make a report to the Council once each month, or oftener if requested. Such report shall include statements of permits and certificates issued and orders promulgated.

§ 50-12. Recommendations.

A. The Building Inspector shall recommend to the Building Committee of Borough Council any special rules or regulations that shall in his opinion be necessary to define or carry out the intent and purpose of any portion of this chapter.

B. For the purpose of securing for the public the benefits of new developments in the building industry and yet ensuring public safety, the Building Inspector may make or cause to be made investigations, or may accept duly authenticated reports from reliable sources, of new materials or modes of construction which are not provided for in this chapter, and recommend to the Building Committee rules or regulations setting forth the conditions under which such materials or modes of construction may be used.

§ 50-13. Right of entry.

The Building Inspector, in the discharge of his duties, shall have authority to enter any building, structure or premises at any reasonable hour.

ARTICLE III
Building Committee of Council

§ 50-14. Recommendation of rules.

A. Rules necessary to define or carry out the intent or purpose of this chapter or to set forth conditions under which new materials or methods of construction may be used may be recommended from time to time by the Building Committee to the Borough Council and shall become effective upon approval.

B. Rules adopted as herein provided shall have the same force and effect as provisions of this chapter.

C. Any rule may be amended or repealed by the same procedure provided for the adoption of new rules.

§ 50-15. Appeals. [3]

An appeal from any decision of the Building Inspector as to compliance or noncompliance with the provisions of this chapter may be taken to the Building Committee. Such appeal shall be made in writing within 10 days after such decision has been made and shall be filed with the Borough Secretary. The appellant or his representative shall have the right to appear and be heard if such right is requested in the written appeal. A prompt decision of such appeal shall be made by the Building Committee. In making its decision, the Committee may vary or modify any provision of this chapter where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done. Every action of the Committee on such appeal shall be by resolution, copies of which shall be certified to the Building Inspector and the appellant.

ARTICLE IV
Building Permits

§ 50-16. Permits required. [4]

It shall be unlawful to construct, alter, repair, equip, remove or demolish, or to commence the construction, alteration, repair, equipment, removal or demolition of, any building or structure in the borough unless application for a permit shall have been made and a formal permit obtained, provided that no application or permit is required where the cost of repairs is less than $200. A separate permit shall be required for oil-burning equipment and for a gas-fired furnace. The permit shall be kept on the premises, open to public inspection during the prosecution of the work and until completion of the same.

§ 50-17. Application for permits.

A. Applications for permits shall be submitted in such form as the Building Inspector may prescribe and shall contain the following: [Amended 4-14-1975 by Ord. No. 656[5]]

(1) Full name and address of owner.

(2) Full name and address of applicant.

(3) A brief description of the proposed work.

(4) Whether it is new construction.

(5) Whether it involves a change of use.

(6) A copy of any building restrictions affecting the property on which the proposed work is to be done, and reference to the recording thereof.

(7) Any other pertinent information required by the Building Inspector.

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3. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

4. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

5. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

(8) A description of any portion of the proposed work which falls within the flood hazard area.

B. Applications shall be accompanied by two sets of plans and specifications of the proposed work, including such drawings, drawn to scale, of floor plans, sections, elevations and structural details as the Building Inspector may require, and a plot plan showing accurately the location and size of the lots, existing buildings and proposed new construction, provided that in the case of unimportant work which, in the opinion of the Building Inspector, does not require the filing of such plans and specifications, he may accept in lieu thereof a written statement describing the general character and extent of such work.

C. The applicant shall notify in writing all property owners within 300 feet as stated in the application if the property on which the work is being done is governed by building restrictions.

D. Any application which, in the opinion of the Building Inspector, calls for construction the use of which will necessitate additional public sewerage or highway or similar facilities, shall be refused by the said Building Inspector, who will thereupon refer it to the next meeting of Borough Council, which shall either affirm the refusal or direct the issuance of the permit in accordance with its opinion as to the ability of the borough to provide the facilities as required.

§ 50-18. Action on applications.

The Building Inspector shall approve or reject any application within 15 days after the same has been filed. If the application is approved, the Building Inspector, upon payment of the prescribed fee, shall thereupon issue a building permit for the proposed work. If the application is rejected, the Building Inspector shall note his findings in a report attached to the application and deliver a copy thereof to the applicant.

§ 50-19. Approval in part.

The Building Inspector may, at his discretion, approve a permit for the construction of part of a building or structure, if adequate plans and detailed statements have been presented for the same and have been found to comply with this chapter, before the entire plans and detailed statements of said building or structure have been submitted or approved, which shall not be a precedent for the approval of subsequent applications.

§ 50-20. Amendments to applications.

Nothing in this chapter shall prohibit the filing of amendments to an application, plan or other record accompanying same at any time before the completion of work for which a permit has been granted. Such amendments, after approval, shall be filed with and deemed a part of the original application. If such amendments increase the cost to such an extent as to increase the fee, an additional permit shall be obtained, for which a fee shall be paid which will make the total permit fee the same as if figured for one permit.

§ 50-21. Approval of plans.

The Building Inspector shall endorse his approval on both sets of plans and specifications for which a permit shall be authorized. One such approved set shall be retained by the Building Inspection as a public record, and one set shall be returned to the applicant, which set shall be kept on the premises at all times during which the work authorized is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be amended unless approval of such amendment is secured from the Building Inspector. All work shall be done in accordance with the approved plans and specifications or approved amendments thereto.

§ 50-22. Permit limitations.

All permits shall become void 30 days after the date of issuance unless actual construction is begun within that period. All permits not void theretofore shall become void 120 days after the date of issuance unless an extension of the permit shall have been granted by the Building Inspector upon the showing of satisfactory cause.

§ 50-23. Builders' shanties.

Builders' shanties for storing building materials or tools or for office purposes may be erected and used during construction, provided they are included in the application and permit for the building operation. These shanties shall be torn down or removed from the premises upon completion of the work. They shall not be erected within street lines unless special authorization is given by the Highway Department.

§ 50-24. Revocation.

The Building Inspector may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

ARTICLE V
Permit Fees

§ 50-25. Fees required.

Applicants for permits to be issued under the provisions of this chapter shall pay, at the time of application to the Building Inspector, for the use of the borough, the fees prescribed in this Article. The valuation of the proposed construction or work shall be based upon the entire value of such construction or work. The Building Inspector shall have the right to verify or correct the estimated value of such construction or work.

§ 50-26. New buildings or additions. [Amended 7-14-1952 by Ord. No. 417; 12-14-1970 by Ord. No. 595; 1-8-1973 by Ord. No. 629; 12-30-1976 by Ord. No. 670]

A. Single-family and two-family dwellings. [Amended 7-12-1982 by Ord. No. 722, approved 7-12-1982]

(1) Permit fees for new single-family and two-family dwellings shall be as

follows:

(a) For the first 2,000 square feet: a fee of $300.

(b) For each additional 1,000 square feet: a fee of $125.

(2) The square foot area of any proposed building referred to in this subsection shall be computed from the plans submitted at the time application is made for a permit by multiplying the number of stories, including basements and unfinished attics, expandable, times the outside area at the level of the first floor.

B. Dormitories, hotels, nonresidence construction. [Amended 7-12-1982 by Ord. No. 722, approved 7-12-1982]

(1) Permit fees for dormitories, convents and similar residence construction, business buildings, hotels, rooming houses and all other nonresidence construction shall be as follows:

(a) For the first 1,000 square feet or fraction thereof: a fee of $450.

(b) Where the total square footage exceeds 1,000 square feet: an additional fee for each 1,000 square feet of $125.

(2) The square foot area of any proposed building referred to in this subsection shall be computed from the plans submitted at the time application is made for a permit by adding the area determined from outside dimensions at ten-foot intervals from the basement floor to the ceiling of the uppermost story. Each height of 10 feet or fraction thereof shall be computed as a separate story.

C. Permit fees for multiple dwellings and apartment houses shall be as follows: [Amended 7-12-1982 by Ord. No. 722, approved 7-12-1982]

(1) For each family unit in a multiple dwelling or apartment house: a fee of $200.

D. Permit fees for new garages shall be as follows:

(1) For a one-car garage, $25.

(2) For a two-car garage, $35.

(3) For a three-car garage, $50.

(4) For garages in excess of three cars, the fee shall be computed as in Subsection B above.

§ 50-27. Alterations, demolitions, repairs; equipment; miscellaneous structures. [Amended 7-14-1952 by Ord. No. 417; 12-14-1970 by Ord. No. 595; 1-8-1973 by Ord. No. 629; 12-30-1976 by Ord. No. 670; 7-12-1982 by Ord. No. 722, approved 7-12-1982]

A. Permit fees for the alteration, demolition or repair of single-family, two-family or three-family dwellings and for the installation of permanent equipment therein and for the erection, construction or repair of miscellaneous structures, including

swimming pools, shall be as follows:

(1) For an estimated cost of $1,000 or fraction thereof: $20.

(2) For each additional $1,000 or fraction thereof: $10.

(3) Swimming pools (permanent): A flat fee of $125 will be charged.

B. Permit fees for the alteration, demolition or repair of multiple dwellings or nonresidential buildings shall be as follows:

(1) For an estimated cost of $1,000 or fraction thereof: $40.

(2) For each additional $1,000 or fraction thereof: $10.

§ 50-28. Repairs due to fire damage. [Amended 7-14-1952 by Ord. No. 417[6]]

Permit fees for repairs of fire-damaged buildings shall be as follows:

A. For a total valuation of $100 or less, no permit fee is required.

B. For a total valuation of more than $100 and not more than $200, the sum of $1.

C. For a total valuation of more than $200 and not more than $1,000, the sum of $2.

D. For a total valuation of more than $1,000, the sum of $1 plus the sum of $1 for each $1,000 or fraction thereof of total valuation.

§ 50-29. Oil-burning, gas-fired and electric furnaces; hot-water heaters and other equipment. [Amended 3-8-1954 by Ord. No. 440; 7-12-1982 by Ord. No. 722, approved 7-12-1982]

Permit fees for the installation, erection, replacement, enlargement or alteration of oil-burning, gas-fired and electrical furnaces, hot-water heaters, incinerators, air conditioners and such other equipment shall be as follows:

A. For a total valuation of not more than $1,000 or fraction thereof: $20.

B. Each additional $1,000 or fraction thereof: $5.

§ 50-30. Display signs. [Amended 1-8-1973 by Ord. No. 629; 12-30-1976 by Ord. No. 670]

Permit fee for display signs, for which permits are required in accordance with the provisions of Part 13 of this chapter, shall be the sum of $25.

§ 50-31. Awnings. [Amended 9-8-1986 by Ord. No. 761, approved 9-8-1986]

No permit shall be required for awnings.

§ 50-32. Refund of permit fees.

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6. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

When a permit shall have become void and no work has been done under the permit, the applicant, after return of the permit for cancellation, shall be entitled to receive a refund of an amount equal to $5 less than 1/2 of the total permit fee paid, provided that no refund shall be allowed where the total permit fee paid is less than $20.

ARTICLE VI
Certificates of Occupancy

§ 50-33. New buildings. [Amended 4-14-1986 by Ord. No. 759, approved 4-14-1986]

No building hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector to the owner certifying that such building conforms to the provisions of this chapter.

§ 50-34. Altered buildings. [Amended 4-14-1986 by Ord. No. 759, approved 4-14-1986]

No building hereafter so enlarged or so altered as to change its classification and no building hereafter altered for which a certificate of occupancy has not been heretofore issued shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector certifying that the work for which the permit was issued has been completed in accordance with the provisions of this chapter.

§ 50-35. Existing buildings. [Amended 4-14-1986 by Ord. No. 759, approved 4-14-1986]

Nothing in this chapter shall prevent the continuance of the use and occupancy of a lawfully existing building, except as may be necessary for the safety of life or property. Upon written request from the owner, the Building Inspector shall issue a certificate of occupancy for an existing building certifying, after verification by inspection, the occupancy or use of such building.

§ 50-36. Temporary occupancy.

Upon written request from the owner, a temporary certificate of occupancy for part of a building may be issued, provided that such temporary occupancy or use would not jeopardize life or property.

§ 50-37. Change of occupancy. [Amended 7-14-1986 by Ord. No. 762, approved 7-14-1986]

A. No change of occupancy or use shall be made as to any building presently existing or hereafter erected or altered, whether such change shall be made by the current owner or occupant or shall occur as a result of a transfer of title or possession by deed or lease, until a certificate of occupancy shall have been applied for and issued by the Building Inspector.

B. Application for a certificate of occupancy for a change in occupancy or use shall be made to the Building Inspector by the owner or lessor of the building. In the event that a change of occupancy or use is accompanied by a change in ownership or possession, the buyer or lessee may waive the seller's or lessor's responsibility to obtain the certificate of occupancy and assume the same; provided, however, that

such waiver shall be in writing and shall state that the buyer or lessee is aware that he, she or it is assuming full responsibility for obtaining a certificate of occupancy and provided, further, that such written waiver be filed with the Building Inspector.

C. In order to prevent undue hardship and loss to an innocent buyer or lessee, the seller or lessor shall include in the agreement of sale or lease written notice of any and all uncorrected violations of any Building, Zoning, Safety, Sidewalk and Curb Ordinances of the Borough of Narberth.

§ 50-38. Applications.

Applications for certificates of occupancy shall be submitted in such form as the Building Inspector may prescribe and shall contain such information as may be required by him.

§ 50-39. Contents of certificate. [Amended 9-8-1986 by Ord. No. 761, approved 9-8-1986]

The certificate of occupancy shall state the purposes for which the building may be used in its several parts, and any special stipulations applicable.

§ 50-40. Issuance and filing. [Amended 7-14-1986 by Ord. No. 762, approved 7-14-1986]

A. Application for a certificate of occupancy shall be made to the Building Inspector on a form to be provided by said official.

B. An application for a certificate of occupancy shall be accompanied by a fee of $25.

C. The Building Inspector or his representative shall, within 10 working days of the receipt of a fully completed application for a certificate of occupancy and the accompanying fee, make an inspection of subject property to determine that it is in compliance with all applicable ordinances of the Borough of Narberth and, upon a determination that the requirements of said ordinances have been complied with, shall issue a certificate of occupancy.

D. If, upon inspection, the Building Inspector or his representative determines that the subject property is not in compliance with the requirements of any borough ordinance, he shall, within three working days, notify the applicant of such noncompliance, specifically setting forth the violation or violations which require correction.

E. Upon correction of the violation or violations, the applicant shall notify the Building Inspector thereof in writing and shall submit a reinspection fee of $5 with such notification. The Building Inspector shall then reinspect the property within five working days of receipt of such notification and reinspection fee. This procedure shall be followed until all violations have been corrected, at which time a certificate of occupancy shall be issued.

F. In the event that, because of weather conditions or other unique circumstances, the violation or violations cannot be repaired or replaced prior to settlement in the event of a sale, the Building Inspector may establish a dollar value to complete the needed repairs or replacement and require that said sum be escrowed by the seller with an

approved title company and/or the Borough of Narberth on behalf of the buyer, in which event the Building Inspector may issue a temporary certificate of occupancy.

G. The Building Inspector shall maintain a record of all certificates of occupancy in the borough office and shall issue copies thereof to any person having a proprietary interest in the property affected, upon written request and the payment of a fee of $3 per copy.

ARTICLE VII
Unsafe Buildings

§ 50-41. Repair or removal of building.

A building or structure that may be or shall at any time hereafter become dangerous or unsafe shall be made safe and secure or be taken down and removed.

§ 50-42. Notice of unsafe building.

Upon receipt of information that a building or structure is unsafe, the Building Inspector shall make or cause to be made an inspection thereof. If it is found that an unsafe condition exists, he shall serve or cause to be served on the owner a written notice containing a description of the building or structure deemed unsafe, a statement of the particulars in which the building or structure is unsafe and an order requiring the same to be made safe and secure or taken down and removed. If the owner is not found within the borough, such service will be completed if such notice and order shall be sent by registered mail to the last known address of such owner and a copy of such notice and order shall be posted in a conspicuous place on the premises to which it relates.

§ 50-43. Disregard of notice.

If the owner served with a notice and order to repair or remove an unsafe building or structure should fail within a reasonable time to comply with the requirements thereof, the Borough Solicitor shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.

§ 50-44. Emergency work.

In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of the falling of a building or structure so as to endanger life or property, he shall cause the necessary work to be done to render said building or structure temporarily safe, whether the procedure prescribed in this Article has been instituted or not. For this purpose, he may employ such labor and materials as may be necessary. The Borough Solicitor shall institute appropriate actions against the owner of premises where the unsafe building or structure was located for the recovery of costs incurred in the performance of emergency work and is hereby authorized and empowered to enter liens therefor in the name of the borough.

ARTICLE VIII
Penalties

§ 50-45. Violations and penalties. [Amended 7-14-1986 by Ord. No. 762, approved 7-14-1986; 9-8-1986 by Ord. No. 761, approved 9-8-1986]

Any building or portion of a building or party or foundation wall hereafter erected or placed upon any lot or premises within said Borough of Narberth in violation of the provisions of this chapter is hereby declared a common nuisance, and the owner of the ground or the builder, upon 24 hours' notice personally served upon him or them or a like notice being posted upon said building in case personal service cannot be made within said borough, shall proceed to remove said building within the next 48 hours beyond the borough limits or proceed to take down the same within that time, and in the event of his or their refusal or neglect so to do the Borough Manager or, in case of his absence or failure to act, the Borough Council shall forthwith proceed to have said building removed as a common nuisance, the necessary expense of which shall be collected from the owner of said building or lot as other debts are by law collected, provided that, if the owner of such building shall refuse or neglect to remove the materials of which the building may be composed after the same has been deposited in some convenient place for the space of 24 hours after notice so to do, said materials shall be sold at public sale after six days' notice by not less than 10 printed bills posted in the vicinity and the proceeds thereof paid into the borough treasury for the use of the owner of such building or lot after deducting all costs and expenses of tearing down, removing and disposing of the same. Any person proceeding to erect any building or to make any alterations or additions to any building without having first filed an application and obtained the permit specified in this chapter or who occupies as owner or permits the occupancy of any building referred to in §§ 50-33, 50-34 and 50-37 before a certificate of occupancy has been issued as therein provided or who violates the provisions of this chapter or any of them or who fails to comply with said provisions in any respect shall be liable to a fine of not less than $300 or imprisonment of not more than 30 days, in the discretion of the District Justice imposing the same, the fines to be sued for and recovered in the name of the borough and for the use thereof as such debts are collected by law. For each and every day such violation shall continue after notice has been given as aforesaid, during which the party so notified has neglected or refused to comply with the provisions of this chapter, there shall be an additional fine of $5 per day or one day's imprisonment until the nuisance is abated or the chapter complied with.

Part 2
Definitions

ARTICLE IX
Definitions

§ 50-46. Words and terms defined.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this Article:

A. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; words used in the singular number include the plural; and words used in the plural number include the singular. The word "person" includes a corporation and a copartnership as well as an individual; "writing"

includes printing and typewriting; "oath" includes affirmation; "signature" or "subscription" includes a mark made by a person who cannot write, if his name is written near to such mark.

B. Terms defined.

ALTERATION — As applied to a building or structure, means any change or rearrangement in the structural parts or in the exit facilities, or any enlargement, whether by extension on any side or by any increase in height, or the moving from one location or position to another.

APARTMENT — A room or group of rooms in an apartment house, designed for and occupied exclusively as a residence for only one family. The word "apartment" shall include a condominium. A "condominium" is the system of separate ownership of individual units in a multi-unit building or buildings. [Amended 4-12-1971 by Ord. No. 608]

APPROVED — As applied to a material, device or mode of construction, means approved by the Building Inspector under the provisions of this or by other authority designated by law to give approval in the matter in question.

AREA — As applied to a form of construction, means an uncovered subsurface space adjacent to a building as applied to a building, structure or part thereof, the "area" thereof is the horizontal area enclosed by exterior walls, fire walls or party walls.

ASTM — The American Society for Testing Materials.

AUTOMATIC — As applied to a fire door or other means of protection for openings, means normally held in an open position and automatically closed by a releasing device that is actuated by abnormally high temperature or by a predetermined rate of rise in temperature.

BASEMENT — A story partly underground, the greater part of which is above grade. For the purposes of this chapter, a "basement" shall be counted as a story unless otherwise specifically stated.

BEARING WALL — A wall which supports any load in addition to its own weight.

BUILDING — A combination of materials to form a construction that is safe and stable and is adapted to permanent or continuous occupancy for residence, business, assembly or storage purposes; the term "building" shall be construed as if followed by the words "or part thereof."

CELLAR — A story of which 1/2 or more is below grade. For the purposes of this chapter, a "cellar" shall not be counted as a story unless otherwise specifically stated.

COUNCIL — The Council of the Borough of Narberth.

DWELLING — A building designed for and occupied exclusively for residence purposes.

FACED WALL — A wall in which the masonry facing and backing are so bonded as to exert common action under load.

FAMILY — Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than two of such number are unrelated to all of the others by blood, marriage or legal adoption. As a special exception, the Zoning Hearing Board may interpret the term "family" to apply to a group of individuals, not exceeding four not related to each other by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit.[7]

FIRE DOOR — A door and its assembly designed and constructed to resist fire.

FIRE-RESISTIVE MATERIALS — Those materials which will resist destruction by fire and shall be measured by time period when tested in accordance with the standard fire test.

FIRE-RETARDANT MATERIALS — Those materials which will not provide a defined time period of fire resistance but which will not readily ignite and will retard the passage of flames.

FIRE WALL — A wall provided primarily for the purpose of resisting the passage of fire from one building or structure to another or from one area of a building or structure to another.

FIRE WINDOW — A window frame with sash and glazing designed and constructed to resist fire.

FOUNDATION WALL OR PIER — Any supporting wall or pier built below grade and extending up to the first tier of beams above grade.

GRADE — With reference to a building, the mean elevation of the curb opposite the building when the curb level has been established and the front of the building is 15 feet or less from the street line, or the mean elevation of the ground adjoining the building on all sides when the curb level has not been established or when the front of the building is more than 15 feet from the street line.

HABITABLE ROOM — A room occupied by one or more persons for living, eating or sleeping, and includes kitchens serving apartments or individual dwellings, but does not include bathrooms, water closet compartments, laundries, serving and storage pantries, corridors, cellars and spaces that are not used frequently or during extended periods.

HALF STORY — That part of a building which is contained wholly or in part within the slope of a roof and which contains in floor area not more than 80% of the floor area of the story below.

HEIGHT — As applied to a building, means the vertical distance from grade to a point midway between the highest and the lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the "height." As applied to a story, the "height" thereof is the vertical distance from top to top of two successive tiers of floor beams. As applied to a wall, the "height" thereof is the vertical distance to the top measured from the foundation wall or from a

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7. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

girder or other immediate support of such wall.

HEREAFTER — After the time this chapter becomes effective.

HERETOFORE — Before the time this chapter becomes effective.

MINOR GARAGE — A building, not a private garage, used solely for the storage of motor vehicles.

MULTIPLE DWELLING — A building designed for and occupied exclusively as a residence for more than three families living independently of one another.

NONBEARING WALL — Any wall which supports no load but its own weight.

OCCUPIED — As applied to a building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied."

OWNER — Includes the holder of the legal or equitable title, his duly authorized agent, attorney or mortgagee in possession, and a person having a vested or contingent interest in the property in question.

PARTY WALL — A wall used or adapted for joint use between two buildings.

PRIVATE GARAGE — A building accessory to a dwelling, for the storage of not more than three motor vehicles and with an area of not more than 660 square feet.[8]

PUBLIC GARAGE — A building, not a private or minor garage, used for the storage and repair of motor vehicles.

REPAIR — The replacement of existing work with the same kind of material used in the existing work, not including additional work that would affect the structural safety of the building, or that would affect or change required exit facilities, or that would affect a vital element of an elevator, plumbing, wiring or heating installation, or that would be in violation of a provision of this chapter.

REQUIRED — Required by some provision of this chapter.

SELF-CLOSING — As applied to a fire door or other means of protection for openings, means normally closed and equipped with an approved device which will ensure closing after having been opened for use.

SINGLE-FAMILY DWELLING — A building designed for and occupied exclusively as a residence for only one family.

STORY — That part of a building comprised between a floor and the floor or roof next above.

STREET LINE — The line of dedication in the case of a dedicated street, and a line 25 feet each side of the center line in the case of a private road.

STRUCTURE — A combination of materials, other than a building, to form a

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8. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

construction that is safe and stable, including, among others, stadia, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, sheds, coal bins, fences and display signs; the term "structure" shall be construed as if followed by the words "or part thereof."

SWIMMING POOL — A structure designed for swimming and/or wading, constructed or installed either above or below ground, designed to contain or capable of containing water 24 inches or more in depth. [Added 6-10-1968 by Ord. No. 574]

THREE-FAMILY DWELLING — A building designed for and occupied exclusively as a residence for three families living independently of one another.

TWO-FAMILY DWELLING — A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other.

VENEERED WALL — A wall having a masonry facing which is not attached and bonded to the backing so as to form an integral part of the wall for purposes of load-bearing and stability.

Part 3
Classification of Buildings

ARTICLE X
Classification of Occupancies

§ 50-47. Classes designated.

For the purpose of this chapter, all buildings and structures shall be classified with respect to occupancy and use as public buildings, institutional buildings, residence buildings, business buildings or miscellaneous buildings and structures.

§ 50-48. Public buildings.

Public buildings are buildings in which persons congregate for civic, political, educational, religious, social or recreational purposes, including, among others, courthouses, schools, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, dance halls, theaters and bathhouses.

§ 50-49. Institutional buildings.

Institutional buildings are buildings in which persons are harbored to receive medical, charitable or other care or treatment or in which persons are held or detained for penal or correctional purposes, including, among others, hospitals, asylums, sanatoriums, homes for the aged, prisons and reformatories.

§ 50-50. Residence buildings.

Residence buildings are buildings in which sleeping accommodations are provided, except when classed as public or institutional buildings, including, among others, single-family, two-family and three-family dwellings, multiple dwellings, apartment houses, hotels, lodging houses and dormitories.

§ 50-51. Business buildings.

Business buildings are buildings in which goods are manufactured, converted, sold or stored or in which business or professional services are rendered, including, among others, factories, warehouses, stores, office buildings and public garages.

§ 50-52. Miscellaneous buildings and structures.

Miscellaneous buildings and structures include buildings and structures such as private garages, sheds, tanks, towers, signs, stadia, grandstands and similar structures.

§ 50-53. Highly hazardous occupancies.

In the case of any building in which explosives or flammable or other dangerous materials are to be manufactured, stored or used, the Building Inspector may make such additional regulations regarding the same as may be necessary to protect life or property.

§ 50-54. Doubtful classifications.

In case any building or structure is not specifically provided for or where there is any uncertainty as to its classification, its status shall be fixed by the Building Inspector.

§ 50-55. Mixed occupancy.

In case a building is used for two or more occupancies not of the same class, it shall conform to the most stringent requirements of any of the classes to which the occupancies pertain, provided that if the building is divided into sections containing the different occupancies by walls affording four-hour fire-resistive protection, such sections shall be considered as separate buildings.

ARTICLE XI
Classification of Construction

§ 50-56. Types designated.

For the purposes of this chapter, construction as used in buildings shall be classified as follows:

A. Type I: fireproof construction.

B. Type II: heavy timber construction.

C. Type III: ordinary masonry construction.

D. Type IV: metal frame construction.

E. Type V: wood frame construction.

§ 50-57. Type I: fireproof construction.

Fireproof construction is that in which walls are of approved masonry or of reinforced concrete and the structural members are of noncombustible materials with the following

minimum fire-resistive ratings:

A. Four hours for exterior bearing walls, fire walls and party walls.

B. Three hours for other walls, isolated piers, columns and wall-supporting girders.

C. Two hours for girders other than those already specified, exposed beams, floors, roofs, floor fillings and fire partitions.

§ 50-58. Type II: heavy timber construction.

Heavy timber construction is that in which walls are of approved masonry or of reinforced concrete and in which the interior structural elements, including posts, floors and roof construction, consist of heavy timbers with smooth flat surfaces so assembled as to avoid thin sections, sharp projections and concealed or inaccessible spaces; provided that structural members of steel or of reinforced concrete may be used if they have a fire-resistive rating of not less than that specified for fireproof construction.

§ 50-59. Type III: ordinary masonry construction.

Ordinary masonry construction is that in which the exterior walls are of approved masonry or of reinforced concrete and in which the interior structural elements are wholly or partly of wood of smaller dimensions that those required for heavy timber construction or of steel or iron that is not protected as required for fireproof construction.

§ 50-60. Type IV: metal frame construction.

Metal frame construction is that in which the structural supports are unprotected metal and in which the exterior walls and roof are of sheet metal or other noncombustible materials.

§ 50-61. Type V: wood frame construction.

Wood frame construction is that in which the structural parts and materials are of wood or are dependent upon a wood frame for support, including construction having a noncombustible exterior veneer.

§ 50-62. Partial compliance.

Nothing in this chapter shall require full compliance with a particular type of construction if a less restricted type is permitted under this chapter; but no building shall be deemed to be of a specified type of construction unless it conforms to all the provisions of this chapter applying to that type.

Part 4
General Building Restrictions

ARTICLE XII
Restrictions Within Fire Limits

§ 50-63. Fire limits established.

For the purposes of this chapter, the fire limits are hereby established to include all the territory designated as C Commercial Districts by the Zoning Ordinance approved January 4, 1940, as amended,[9] or as the same may be amended hereafter.

§ 50-64. Location.

A building or structure shall be deemed to be within the fire limits if more than 1/3 of the area of a building or structure is located therein.

§ 50-65. Limitations.

A. Except as hereinafter provided in this Article, no building or structure shall be erected or substantially altered within the fire limits or moved within or into the fire limits unless it shall be of fireproof or heavy timber construction or of ordinary masonry construction with a roof covering of noncombustible or fire-retardant materials.

B. All replacements of roof coverings within the fire limits shall be of noncombustible or fire-retardant materials.

C. Any existing frame building within the fire limits which may hereafter be damaged by fire, decay or otherwise to an amount greater than 25% of its present size, exclusive of the foundation, shall not be replaced or rebuilt but shall be removed, unless within exceptions in § 50-66.

§ 50-66. Exceptions.

Nothing in this Article shall prohibit the erection of new buildings or structures or the extension or enlargement of existing buildings or structures within the fire limits, subject to the specified limitations, as follows:

A. A building of metal frame construction occupied exclusively as a private garage, not more than 400 square feet in area and located on the same lot with a dwelling.

B. Sheds of metal frame or wood frame construction open on the long side, not more than 15 feet in height nor more than 500 square feet in area with roofs covered with noncombustible or fire-retardant materials.

C. A building of metal frame construction, not more than 200 square feet in area, when approved as to location and use by the Building Inspector.

D. Builders' shanties of metal frame or wood frame construction, not more than one story in height, for use only in connection with a duly authorized building operation and covered in the permit therefor.

E. Storm enclosures of metal frame or wood frame construction with a roof covering of noncombustible or fire-retardant materials, when not more than 12 feet high nor more than four feet wider than the doors they serve.

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9. **Editor's Note: See Ch. 124, Zoning.**

F. Coal tipples, material bins, trestles and water tanks when built of heavy planking and timbers.

G. Display signs as provided in Part 13 of this chapter.

ARTICLE XIII
Height Restrictions

§ 50-67. Buildings not to exceed height limits.

No building hereafter erected shall exceed in height the limits fixed in this Article. No building shall hereafter be altered so as to exceed the limits of height fixed by this Article.

§ 50-68. Heavy timber and ordinary masonry construction.

Buildings of heavy timber or ordinary masonry construction shall not exceed two stories in height, except for business buildings and residence buildings, which may be but shall not exceed three stories in height.

§ 50-69. Metal frame construction.

Buildings of metal frame construction shall not exceed one story in height.

§ 50-70. Exceptions.

A basement or a cellar shall not be deemed a story for the purposes of this Article.

ARTICLE XIV
Area Restrictions

§ 50-71. Buildings not to exceed area limitations.

No building hereafter erected shall exceed in area in any story the limits fixed in this Article, and no building shall hereafter be altered so as to exceed in area in any story the limits fixed in this Article, provided that no building shall be limited in area if it is divided by fire walls into sections, none of which exceeds the limits of area fixed in this Article for its type of construction.

§ 50-72. Fireproof construction.

Public or minor garages of fireproof construction shall not exceed 10,000 square feet if fronting on one street, 12,500 square feet if fronting on two streets and 15,000 square feet if fronting on more than two streets. Business buildings of fireproof construction, other than public or minor garages, shall not exceed 15,000 square feet if fronting on one street, 18,000 square feet if fronting on two streets and 20,000 square feet if fronting on more than two streets.

§ 50-73. Heavy timber construction.

Public or minor garages of heavy timber construction shall not exceed 8,000 square feet if fronting on one street, 10,000 square feet if fronting on two streets and 12,000 square feet if fronting on more than two streets. Buildings of heavy timber construction, other than public or minor garages, shall not exceed 10,000 square feet if fronting on one street, 12,500 square feet if fronting on two streets and 15,000 square feet if fronting on more than two streets.

§ 50-74. Ordinary masonry and metal frame construction.

Buildings of ordinary masonry or metal frame construction shall not exceed 8,000 square feet if fronting on one street, 10,000 square feet if fronting on two streets and 12,000 square feet if fronting on more than two streets.

§ 50-75. Wood frame construction.

Buildings of wood frame construction shall not exceed 2,500 square feet.

§ 50-76. Exceptions.

The limiting areas fixed in this Article may be increased by 100% when the building is equipped with an approved automatic sprinkler system.

ARTICLE XV
Occupancy Restrictions

§ 50-77. All occupancies. [Amended 4-25-1985 by Ord. No. 749, approved 4-25-1985]

All buildings hereafter erected shall have the entire first story walls, that is, to the top line of the second floor joists, constructed of reinforced concrete, approved masonry or other incombustible materials, provided that in areas outside the fire limits established by this chapter, new single-family detached residence buildings, new single-family semidetached residence buildings, additions to existing single-family detached residence buildings, additions to existing single-family semidetached residence buildings, side bay windows and sheds may be of wood-frame construction, subject to the following restrictions:

A. The wood-frame construction shall conform to the standards set forth in other sections of this chapter pertaining to wood and wood construction.

B. The fire walls or party walls between wood-frame semidetached residence buildings shall conform to the standards set forth elsewhere in this chapter pertaining to fire walls and party walls.

C. The foundations and foundation walls for wood-frame detached and semidetached residence buildings, additions to detached or semidetached residence buildings of wood-frame or other construction and wood-frame side bay windows shall conform to the standards set forth elsewhere in this chapter pertaining to foundations and foundation walls.

D. Side bay windows of wood-frame construction shall not exceed 12 feet in width nor project more than five feet from the main walls of the building.

E. Single-family residence buildings of wood-frame construction, whether detached or semidetached, may not be altered or converted into two-family, three-family or other multiple dwellings.

§ 50-78. Special occupancies.

Asylums, detention buildings, hospitals, jails, nurseries and theaters hereafter erected or altered shall be of fireproof construction.

§ 50-79. Residence buildings. [Amended 4-25-1985 by Ord. No. 749, approved 4-25-1985]

Residence buildings located outside the fire limits established by this code, other than single-family dwellings, hereafter erected or altered, shall be of fireproof or heavy-timber construction or of ordinary masonry construction, provided that residence buildings for more than five families shall be of fireproof construction only. All residence buildings, wherever located, shall have a roof covering of incombustible or fire-retardant materials.

§ 50-80. Public, private and minor garages. [Amended 10-8-1945 by Ord. No. 371, approved 10-8-1945; 4-25-1985 by Ord. No. 749, approved 4-25-1985]

Public garages, private garages and minor garages with a capacity of more than six cars, hereafter erected or altered, shall be of fireproof or heavy-timber construction. Minor garages and private garages with a capacity of not more than six cars shall be of fireproof or heavy-timber construction or of ordinary masonry construction with a roof covering of incombustible or fire-retardant materials, provided that private garages which are accessory to single-family residence buildings located outside the fire limits established by this chapter, whether detached or semidetached, may be of wood-frame construction with a roof covering of incombustible or fire-retardant materials.

§ 50-81. Existing buildings.

A building of frame construction erected prior to September 10, 1923, not over three stories in height, may be converted into a two-family or a three-family dwelling, notwithstanding the requirements of § 50-79, provided that all other requirements of this chapter are complied with and that any addition to the existing building enlarging the ground area thereof shall be of fireproof, heavy timber or ordinary masonry construction, and provided further that if such converted building is located within the fire limits, it shall have a roof covering of noncombustible or fire-retardant materials.

ARTICLE XVI
Streets

§ 50-82. Access to public street. [Amended 9-12-1949 by Ord. No. 394 1/2, approved 9-12-1949]

No single-family, two-family, three-family or multiple dwelling shall hereafter be erected or altered unless the lot on which it is erected or altered has its frontage on a public street or highway, except that a single-family dwelling may be erected or altered on a lot which has access to a public street or highway over a driveway not less than eight feet in width.

No such dwelling shall hereafter be erected or altered in any district between any existing dwelling and any public street or highway, except where the existing dwelling is located on a corner lot bounded by public streets or highways, in which case a dwelling may be erected on the side street, subject to the further provisions of this chapter and of the Zoning Ordinance.[10] Not more than one dwelling shall be erected or altered on any lot in any district unless each such dwelling shall have a frontage on a public street or highway or have access to a public street or highway over a driveway not less than eight feet in width, subject to the further provisions of this chapter and of the Zoning Ordinance.

§ 50-83. Widths and openings of streets.

In all districts of the borough except those described as C Commercial Districts in Ordinance No. 343 approved January 4, 1940, and known as the "Zoning Ordinance," as amended,[11] or as the same may be amended hereafter, all streets that are not through streets shall have a court at the end with a space of not less than 60 feet in diameter. In C Commercial Districts any new street to be opened hereafter shall be a through street of uniform width.

ARTICLE XVII
Street Encroachments

§ 50-84. Projection beyond street line restricted.

Except as otherwise provided in this Article, no part of a building hereafter erected or of an enlargement of a building heretofore erected shall project beyond the street line.

§ 50-85. Footings of street walls.

Footings of street walls may project beyond the street line not more than 12 inches, provided such projecting parts are not less than eight feet below sidewalk level.

§ 50-86. Cornices.

Main cornices, meaning thereby molded projections at or near the top of a wall that faces on a street, may project not more than 18 inches beyond the street line, provided such projections are not less than 12 feet above the sidewalk at any point. Cornices of show windows and porches may project beyond the street line not more than 12 inches, provided such cornices are not less than eight feet above the sidewalk at any point.

§ 50-87. Ornamental projections.

Moldings, belt courses, lintels, columns, pilasters and other similar ornamental projections may project beyond the street line not more than 10 inches.

§ 50-88. Bay windows.

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10. **Editor's Note: See Ch. 124, Zoning.**

11. **Editor's Note: See Ch. 124, Zoning.**

Bay windows and show windows may project beyond the street line not more than three feet, provided that:

A. The street is not less than 50 feet in width.

B. Such windows are not on the first story and not less than 10 feet above the sidewalk at any point.

C. Such windows do not exceed two stories in height nor 13 feet in width.

D. All such windows are contained within lines drawn from the intersection of the front line of the building with the side or party lines of the building and at an angle of 20° with the front line of the building.

E. Such windows are separated by a space of not less than seven feet.

§ 50-89. Window areas.

Window and exit areas may project beyond the street line not more than four feet, provided that every such area shall be covered over at the sidewalk level by an approved grating or covering of metal or other noncombustible materials, but the Building Inspector may prohibit entirely any such area where, in his opinion, the safety of the public so requires.

§ 50-90. Open balconies.

Open balconies above the first story may project beyond the street line not more than three feet, provided such projections are not less than 10 feet above the sidewalk at any point.

§ 50-91. Fire escapes.

Fire escapes and balconies to fire towers or other required exits, constructed of steel or other noncombustible materials, may project beyond the street line not more than four feet, provided such projections are not less than 10 feet above the sidewalk at any point, but this shall not be deemed to prohibit the use, in connection with permissible fire escapes, of movable stairs to the sidewalks, so arranged that they are not less than 10 feet above the sidewalk when not in actual use.

§ 50-92. Awnings.

Drop awnings attached to buildings may extend beyond the street line but not nearer than four feet to the curbline, provided that when let down to their full extent, they are not less than seven feet above the sidewalk at all points. Existing awnings which do not conform to these requirements shall be removed or made to conform within a period of two years from and after the effective date of this chapter.

§ 50-93. Signs.

Signs may project beyond the street line, subject to the limitations of Part 13 of this

chapter.

ARTICLE XVIII
Minimum Area of Dwellings

§ 50-94. Minimum first-story area requirements.

No dwelling hereafter erected or altered shall have a first story of less area than 430 square feet exclusive of porches.

ARTICLE XIX
Swimming Pools
[Added 6-10-1968 by Ord. No. 574]

§ 50-95. Applicability.

The provisions of this Article shall apply to all swimming pools constructed or installed after the effective date of this chapter and to all existing swimming pools, except that an existing swimming pool which does not comply in every respect with all of the requirements of this chapter may be permitted to continue if in the opinion of the Building Inspector and the Fire Chief the conditions which are below standard do not constitute a hazard to life or property.

§ 50-96. Approval of Building Inspector required.

No swimming pool shall be filled for use or used without prior inspection and approval by the Building Inspector to determine whether or not there has been compliance with the provisions of this Article, and should the Building Inspector determine that any swimming pool theretofore approved is thereafter being used other than in compliance with this Article, such swimming pool shall be drained and kept drained and shall not be filled for use or used until it is again brought into compliance.

§ 50-97. Fences required.

Every swimming pool shall be completely enclosed by a fence or other suitable enclosure which shall be so constructed or installed as to make such pool inaccessible to small children. Such fence or enclosure shall be at least four feet in height above the ground and shall include at least one gate leading into the pool, which shall also be at least four feet in height above the ground. All gates shall be self-closing and self-latching, and the latches thereon shall be at least 3 1/2 feet higher than the ground, or the gates in some other manner shall be made inaccessible from the outside to small children. When in the opinion of the Building Inspector the construction or design of the pool itself makes it inaccessible to small children to at least the same degree as the fence or enclosure required by the preceding language of this section, then such fence or enclosure shall not be required. All fences shall be kept in good repair and all gate-closing and -latching devices in good operating order.

§ 50-98. Heating equipment.

Heating equipment, if any, connected with a swimming pool shall be installed in accordance with the applicable provisions of this chapter and the standards of the National Fire Protection Association (i.e., No. 31, Oil Burning Equipment; No. 54, Gas Appliances and Gas Piping; No. 58, Liquefied Petroleum Gases; and No. 70, National Electrical Code).

§ 50-99. Electric wiring and equipment.

Electric wiring and equipment, if any, shall conform to the provisions of the current edition of the National Electrical Code of the National Fire Protection Association (No. 70). Electrical certificates from an approved rating bureau shall be deemed prima facie evidence of compliance with the same.

§ 50-100. Drainage.

Water drained from a swimming pool shall, unless the Borough Manager deems it impracticable or unnecessary, be discharged into natural watercourses on the property or connected to the storm drainage system of the borough.

§ 50-101. Completion guaranty.

Before any building permit shall be issued for the construction or installation of a swimming pool, the borough shall be assured by means of a proper completion guaranty in the form of a bond, or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements (i.e., fencing, grading, walls and drainage structures), as estimated by the Building Inspector, that the improvements will be installed on or before a date specified in the said bond or escrow agreement.

§ 50-102. Portable pools.

If a swimming pool is portable, that is to say, if it is not permanently installed either as an excavated or aboveground construction operation, then it shall be deemed to be "constructed" or "installed" within the meaning of this Article at such time as it is first erected by the owner thereof, and if it is thereafter dismantled, its subsequent erection in the same location and under the same conditions shall not be deemed to be "construction" or "installation" so as to require that a permit be obtained.

ARTICLE XX
Flood Hazard Areas
[Adopted 4-14-1975 by Ord. No. 656]

§ 50-103. Definition.

"Flood hazard area" shall mean the area designated as "Special Flood Hazard Area" on the map dated December 20, 1974, as amended, of the Borough of Narberth, issued by the United States Department of Housing and Urban Development.

§ 50-104. Limitations.

No building shall be erected or substantially altered or improved within the flood hazard area unless such construction conforms to the provisions of this Article. This Article shall take precedence over any conflicting laws, ordinances or codes.

§ 50-105. Restrictions.

A. Any proposed new construction or substantial alteration or improvement within the flood hazard area must:

(1) Be designed and anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Use construction materials and utility equipment that are resistant to flood damage.

(3) Use construction methods and practices that will minimize flood damage.

B. Any replacement of or new construction of water systems and sanitary systems shall be designed to minimize or eliminate floodwater infiltration.

Part 5
Light and Ventilation

ARTICLE XXI
General Provisions

§ 50-106. New buildings.

For the purpose of providing light and ventilation, every building hereafter erected shall be constructed, arranged and equipped to conform to the provisions of this Part 5.

§ 50-107. Alterations.

A. No building shall hereafter be altered or rearranged so as to reduce the size of a room or the amount of window space to less than that required for buildings hereafter erected, or so as to create an additional room unless such additional room is made to conform to the requirements for rooms in buildings hereafter erected, except that such rooms may be of the same height as existing rooms in the same story.

B. No building shall hereafter be enlarged, nor shall the lot on which it is located be diminished, so that the dimensions of a required court shall be less than those prescribed for buildings hereafter erected.

ARTICLE XXII
Rooms

§ 50-108. Habitable rooms.

A. Every habitable room shall have one or more windows opening directly on a street or on a court or yard conforming to the requirements of this Part 5.

B. Such rooms shall have a minimum width of six feet in any part, a minimum clear floor area of 80 square feet and a minimum clear ceiling height of seven feet six inches for the minimum area, provided that kitchens may have a minimum clear floor area of 70 square feet.

C. It shall be unlawful to divide a habitable room or enclose a part thereof by fixed or movable partitions or other similar devices unless each part of the room so divided or enclosed shall separately conform to the requirements of this Article.

§ 50-109. Business and work rooms.

Every business or work room for customary human occupancy shall have one or more windows or ventilating skylights opening directly on a street on a court or yard conforming to the requirements of this Part 5, or to the outer air above the roof, or shall be provided with an approved means of mechanical ventilation as prescribed in this Part 5.

§ 50-110. Rooms in public and institutional buildings.

Every room in a public or institutional building for customary human occupancy, except a habitable, business or work room or a room otherwise specifically provided for, shall be provided with an approved means of mechanical ventilation as prescribed in this Part 5 unless the space within such room exceeds 150 cubic feet for each occupant and the room contains windows or ventilating skylights having an aggregate area of not less than 10% of the floor surface and with 1/5 of the required window area arranged to open for ventilation.

§ 50-111. Bathrooms, water closet compartments and similar rooms.

Bathrooms, water closet compartments and similar rooms shall be provided with one or more windows or ventilating skylights opening directly on a street, on a court or yard conforming to the requirements of this Part 5, to the outer air above the roof or on a vent shaft conforming to the requirements of this Part 5, or shall be ventilated by a separate duct of noncombustible and non-corrodible material, not less than 72 square inches in net cross section, extending independently of any other duct to and above the roof, or shall be provided with an approved means of mechanical ventilation as prescribed in this Part 5.

§ 50-112. Public halls.

Every public hall in multiple dwellings shall have at least one window or ventilating skylight opening directly on a street, a court or yard conforming to the requirements of this Part 5 or to the outer air above the roof, provided that this requirement may be waived by the Building Committee if in its opinion other means provide such halls with adequate light and ventilation.

§ 50-113. Rooms needing special ventilation.

Rooms in which dust, fumes, gases or other impurities harmful to human occupancy or tending to create a fire hazard exist or develop shall be provided with an approved means

of ventilation to remove effectually such impurities.

ARTICLE XXIII
Windows and Ventilating Skylights

§ 50-114. Windows.

Windows required by this Part 5 shall have an area between stop beads of not less than 10% of the floor area of the room served by them and, in addition, shall be not less than 12 square feet in area for habitable rooms and public halls and eight square feet for bathrooms and similar rooms, provided that where a watercloset occupies a separate compartment 40 square feet or less in area, the minimum requirement shall be four square feet. At least 50% of the required window area shall be arranged to open for ventilation. Where 100% of the window area is arranged to open for ventilation, the window area required for separate water closet compartments 40 square feet or less in area may be reduced to not less than three square feet.

§ 50-115. Ventilating skylights.

The area of skylights permitted by this Part 5 shall be not less than required for the windows which they replace. At least 50% of the required area shall be made available as clear ventilating area by means of movable sash, louvers or similar devices.

ARTICLE XXIV
Vent Shafts and Mechanical Ventilation

§ 50-116. Size of vent shafts.

Vent shafts required by this Part 5 shall have a cross-sectional area of not less than 1/5 of a square foot for every foot of height of shaft, but shall have not less than eight square feet in any case. Such a shaft shall not be less than two feet in its least dimension. Unless such a shaft is open to the outer air at the top, there shall be a net area of fixed louver openings in the skylight equal to the required shaft area.

§ 50-117. Air ducts.

Vent shafts shall be connected with a street or with a court or yard conforming to the requirements of this Part 5, by a duct or intake below the lowest window opening on such shafts. Such duct or intake shall have a cross-sectional area of not less than three square feet, with a minimum dimension of one foot, and shall be constructed of noncombustible, noncorrodible metal.

§ 50-118. Mechanical ventilation.

When mechanical ventilation is required or is permitted as an alternative, the system shall be designed and constructed in accordance with generally accepted good practice to provide the necessary changes in air, but not less than one cubic foot of air per minute shall be provided for each square foot of floor area in any case. Such system shall be kept in continuous operation at all times during the normal occupancy of the building.

ARTICLE XXV
Courts and Yards

§ 50-119. General requirements.

A. A court shall be open and unobstructed to the sky for the required width, provided that windowsills, belt courses and other similar ornamental projections may extend into such required width not more than four inches. For the purposes of this Part 5, courts need not extend to ground level and the height shall be measured from the floor level of the lowest window required to open upon it. When a court is located on the side of a lot (not a street line), the lot shall be deemed an enclosure of such court. An outer court is a court unenclosed at least on one side, and an inner court is a court enclosed on all sides.

B. A yard shall be an open area as required by the Zoning Ordinance,[12] provided that where this Article imposes greater widths than required by the Zoning Ordinance, the requirements of this Article shall prevail.

§ 50-120. Outer courts and yards.

A. Every outer court or yard serving a habitable room as required by this Part 5 shall have a width of not less than 1/4 of the height, but not less than six feet, provided that the width shall be increased by one foot for each 10 feet in length over 40 feet, and provided further that if windows serving habitable rooms as required by this Part 5 face a wall on the opposite side of an outer court in which windows serving habitable rooms as required by this Part 5 also occur, the width of such court shall be double the foregoing requirements.

B. Every outer court or yard serving other than habitable rooms as required by this Part 5 shall have a width of not less than 1/5 of the height, but not less than five feet, provided that the width shall be increased by one foot for every 10 feet over 40 feet.

§ 50-121. Inner courts.

Every inner court serving rooms as required by this Part 5 shall have a width of not less than 1/2 the height, but not less than 12 feet, provided that if windows serving habitable rooms as required by this Part 5 face a wall on the opposite side of an inner court in which windows serving habitable rooms as required by this Part 5 also occur, the width of such court shall be double the foregoing requirements. Every inner court shall be connected at or near the bottom with a street, yard or outer court by a horizontal intake or air duct with a cross-sectional area of not less than nine square feet, with a minimum dimension of one foot. Such intake or duct shall have walls, floors and ceilings having a fire-resistive rating of not less than two hours for buildings of fireproof construction and not less than one hour for other buildings.

Part 6
Means of Egress

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12. **Editor's Note: See Ch. 124, Zoning.**

ARTICLE XXVI
General Requirements

§ 50-122. New buildings.

Buildings hereafter erected shall be provided with exit facilities in accordance with the requirements of this Part 6.

§ 50-123. Alterations.

No building shall hereafter be altered so as to reduce the number or capacity of exits to less than that required for new buildings of similar construction and occupancy. Exits hereafter installed shall conform to the requirements for exits in new buildings, except when such exits are installed to comply with a specific order of the Building Inspector.

§ 50-124. Existing buildings.

Every building heretofore erected which is not provided with exit facilities as required for new buildings and in which the existing exit facilities are inadequate for the safety of the occupants shall be provided with such means of egress as directed by the Building Inspector.

ARTICLE XXVII
Commonwealth Requirements

§ 50-125. Minimum requirements.

The requirements of the laws of Pennsylvania and the regulations of the Department of Labor and Industry adopted thereunder as to means of egress shall constitute minimum requirements for the design, construction and maintenance of exit facilities for all applicable buildings hereafter erected and altered in the borough. Evidence of the approval of the commonwealth, when such approval is required by it, shall accompany all applications for building permits.

§ 50-126. Additional requirements as necessary.

When, in the opinion of the Building Inspector, the requirements of § 50-125 of this Article are not sufficient to give the necessary protection to occupants of a building, additional means of egress or additional safeguards of construction or maintenance shall be provided as directed by the Building Inspector.

§ 50-127. Apartments.

Every apartment that has not direct exit to a street or to a court or yard opening on a street shall have access to at least one additional exit separated from and independent of the primary interior stairway or fire tower.

Part 7
Loads

ARTICLE XXVIII
General Load Requirements

§ 50-128. Design for loads.

All buildings and structures shall be designed and erected of sufficient strength to support safely their own dead loads and their imposed live loads which shall be not less than the minimum live loads specified for various uses in this Part 7.

§ 50-129. Dead load.

The dead load of a building or structure shall include the weight of the walls, permanent partitions, floors, roofs and all other permanent stationary construction entering into the building or structure.

§ 50-130. Live load.

Live loads shall include all loads other than the dead load.

ARTICLE XXIX
Weights of Materials

§ 50-131. Weights of building materials for estimating dead loads.

For the purpose of estimating dead loads in the absence of more definite information, the weights of building materials in pounds per cubic foot shall be assumed to be as follows:

Material	Weight (pounds per cubic foot)
Brickwork	120
Cast iron	450
Concrete, stone	144
Concrete, cinder	108
Earth, dry, packed	100
Earth, wet	120
Gypsum block	48
Hollow tile, wall-bearing	60
Hollow tile, partition	54
Masonry, granite, marble	168
Masonry, limestone	156
Masonry, sandstone	144
Plaster, mortar	96
Steel	490
Timber, oak	48
Timber, pine, fir	40

ARTICLE XXX
Floor Loads

§ 50-132. Minimum uniform loads for various occupancies.

The following live loads in pounds per square foot uniformly distributed shall be taken as the minimum live loads permissible for the occupancies listed, and loads at least equal shall be assumed for uses not listed similar in nature to those listed:

Occupancy	**Weight (pounds per cubic foot)**
Domestic occupancy: all parts of private dwellings; residence portions of apartments, hotels, hospitals, schools and including corridors for access thereto	40
Office occupancy: above first floor in office buildings, offices in other buildings	50
Stores, wholesale and retail; first floor of office buildings	100
Classrooms in schools and colleges, not exceeding 1,200 square feet, or of whatever size if with fixed seats	50
Public occupancy: assembly, amusement and dining halls; classrooms other than specified above; public spaces of apartments, hotels, hospitals, schools; all spaces where crowds of people are likely to assemble	100
Light manufacturing or storage	100
Heavy manufacturing or storage	200
Garage for pleasure cars only; automobile showrooms	100
Garage, use unlimited	150

§ 50-133. Special concentrations.

In the design of floors, consideration shall be given to the effects of known or probable concentration of loads to which they may be subjected. In business buildings, every floor shall be designed to sustain safely a load of 2,000 pounds placed upon any space 2 1/2 feet square wherever such load upon an otherwise unloaded floor would produce stresses greater than the uniformly distributed load for which the floor is designed.

§ 50-134. Impact.

The live loads prescribed in this Part 7 may be assumed to include the effects of ordinary impacts, but a suitable increase in the assumed live loads shall be provided for special occupancies and loadings involving unusual impacts.

§ 50-135. Reduction in live loads.

Live loads on foundations, walls, piers, columns, girders and trusses for all buildings except those used for warehouse or storage purposes may be reduced as follows:

A. Carrying one floor and roof: 0%.

B. Carrying two floors and roof: 10%.

C. Carrying three floors and roof: 20%.

ARTICLE XXXI
Roof Loads

§ 50-136. Flat roofs.

Flat roofs and roofs having a rise of four inches or less per foot of horizontal projection shall be designed to carry safely a vertical live load of not less than 30 pounds per square foot of horizontal projection.

§ 50-137. Raised roofs.

A. Roofs having a rise of more than four inches and not more than 12 inches per foot of horizontal projection shall be designed to carry safely a vertical live load of not less than 20 pounds per square foot of horizontal projection.

B. Roofs having a rise of more than 12 inches per foot of horizontal projection shall be designed to carry safely a wind force acting normally to the roof surface, on one slope at a time, of not less than 20 pounds per square foot of such surface.

§ 50-138. Roofs used as floors.

When a roof is to be used as a floor, it shall be designed to carry safely not less than the minimum live load prescribed in this Part 7 for floors.

ARTICLE XXXII
Sidewalk, Court and Yard Loads

§ 50-139. Minimum live load requirements.

The minimum live load for sidewalks and for courts and yards used as driveways shall be assumed to be not less than 300 pounds per square foot uniformly distributed. For other yards and courts, the minimum live load shall be assumed to be not less than 125 pounds per square foot uniformly distributed.

ARTICLE XXXIII
Wind Pressure

§ 50-140. Wind loads.

The wind pressure on vertical plane surfaces shall be assumed to be not less than 10 pounds per square foot. The wind pressure on tank towers, stacks and other exposed structures on the tops of buildings shall be assumed to be not less than 30 pounds per square foot of gross exposed projected area.

§ 50-141. Stability.

The overturning moment due to wind pressure shall not exceed 75% of the moment of

stability due to dead load only, unless the building or structure is securely anchored to the foundation.

§ 50-142. Allowable stresses.

For combined stresses due to wind and other loads, the permissible working stresses may be increased 1/3, provided the section thus found is not less than that required by the loads other than wind load. For members carrying wind stresses only, the permissible working stresses may be increased 1/3 for steel and 1/2 for reinforced concrete or wood.

ARTICLE XXXIV
Loading Restricted

§ 50-143. Adherence to safe loads.

No person shall place or cause or permit to be placed on any floor of a building or on any part of a structure a greater load than the approved or accepted safe load.

Part 8
Materials and Stresses

ARTICLE XXXV
General Provisions

§ 50-144. Quality of materials.

All building materials shall be of a quality to meet the purpose and intent of this chapter and, in the absence of particular specifications in this chapter or in rules promulgated hereunder, shall conform to well-recognized standards for the materials in question.

§ 50-145. Secondhand materials.

Secondhand materials may be used only when approved by the Building Inspector as to condition and quality.

§ 50-146. Tests.

The Building Inspector may require such tests of building materials as may be necessary to determine their quality and whether they conform to the purpose and intent of this chapter. Duly authenticated tests by a competent person or laboratory may be accepted by the Building Inspector in lieu of tests under his own supervision. In the absence of provisions for particular tests in this chapter or in rules promulgated hereunder, tests shall be made in accordance with well-recognized standards of testing the material in question. All tests shall be made at the expense of the applicant.

§ 50-147. Working stresses.

Working stresses shall not exceed the stresses allowed in this Part 8 for the material in question or, if not provided for in this Part 8, in rules promulgated under the terms of this chapter.

ARTICLE XXXVI
Masonry

§ 50-148. Brick specifications.

Clay or shale brick, sand-lime brick and concrete brick shall conform to the standard specifications of the ASTM, Designations C62-41T, C73-39 and C55-37, respectively, and to the various grades described therein according to the following uses:

A. Brick used for load-bearing masonry or masonry exposed to weather shall be of a quality not less than Grade MW for clay, shale or sand-lime brick and Grade A for concrete brick.

B. Brick used for non-load-bearing purposes and not exposed to the weather shall be of a quality not less than Grade NW for clay, shale or sand-lime brick and Grade B for concrete brick.

§ 50-149. Hollow clay tile.

A. Hollow clay tile used for load-bearing masonry or masonry exposed to weather shall conform to the requirements of Grade LB X of the standard specifications of the ASTM Designation C34-41.

B. Hollow clay tile used for non-load-bearing purposes and not exposed to the weather shall conform to the requirements of Grade NB of the standard specifications of the ASTM, Designation C56-41.

§ 50-150. Concrete block or tile.

A. Hollow concrete block or tile used for load-bearing masonry or masonry exposed to weather or soil shall conform to the requirements of the standard specifications of the ASTM, Designation C90-39.

B. Hollow concrete block or tile used for non-load-bearing purposes and not exposed to weather or soil shall conform to the requirements of the standard specifications of the ASTM, Designation C129-39.

C. Solid concrete block or tile shall conform to the requirements of Grade A of the standard specifications of the ASTM, Designation C145-40.

D. All concrete block or tile shall bear a distinctive mark of the manufacturer and such mark shall be registered with the Building Inspector. It shall be unlawful to use the concrete block or tile of any manufacturer unless the approval of the Building Inspector has been obtained. All applications for such approval shall be accompanied by proof of satisfactory test of such block or tile by a testing laboratory of recognized standing.

§ 50-151. Gypsum block or tile.

Gypsum block or tile for fire-resistive purposes shall conform to the standard specifications of the ASTM, Designation C52-41. Gypsum block or tile shall not be used

in load-bearing masonry or in masonry exposed to weather or soil.

§ 50-152. Plain concrete.

Plain concrete shall be mixed in the proportions of at least one part of cement to a total of seven parts of separate volumes of fine and coarse aggregate, measured dry, and a maximum of 8 1/4 United States gallons of water per sack of cement, including water contained in the aggregate. Such concrete shall develop a strength of at least 1,500 pounds per square inch. Materials shall conform to the requirements for the materials of reinforced concrete.

§ 50-153. Stone.

Stone for masonry shall be hard and durable, free from seams and flaws that would affect their serviceability or strength, as large as practicable for the intended work and of approved quality and shape.

§ 50-154. Mortar materials.

A. Quicklime shall conform to the standard specifications of the ASTM, Designation C5-26.

B. Hydrated lime shall conform to the standard specifications of the ASTM, Designation C6-31.

C. Portland cement shall conform to the standard specifications of the ASTM, Designation C150-41. Masonry cement shall conform to the standard specifications of the ASTM, Designation C91-40. Cements of other types approved by the Building Inspector are permitted when used in accordance with rules governing their use.

D. Gypsum shall conform to the standard specifications of the ASTM, Designation C22-41.

E. Sand shall be clean, sharp, coarse and siliceous, free from salt, lime, clay or other foreign materials.

F. Water shall be clean, free from all organic materials, strong acids or alkalis, or shall be the water used for drinking purposes.

G. Lime putty shall be made by slaking to a smooth paste fresh and properly burned quicklime. The resultant paste shall be stored in a suitable box or other receptacle for not less than 48 hours before being mixed with sand.

§ 50-155. Mortar proportions.

A. Mortar proportions shall be measured by volume.

B. Lime mortar shall be composed of one part of lime putty or hydrated lime and not more than three parts of sand. Cement may replace equal volumes of lime.

C. Lime-cement mortar shall be composed of one part of lime putty or hydrated lime, one part of portland cement and not more than six parts of sand. Masonry cement may be substituted for the portland cement or lime, or both.

D. Cement mortar shall be composed of one part of portland cement and not more than three parts of sand, with an allowable addition of lime putty or hydrated lime not to exceed 15% of the cement content.

§ 50-156. Allowable working stresses.

The allowable working stresses, in pounds per square inch, for masonry in compression shall be taken as follows:

	Lime Mortar (pounds per square inch)	**Lime-Cement Mortar (pounds per square inch)**	**Cement Mortar (pounds per square inch)**
Brickwork	90	170	220
Hollow block or tile, gross area		75	100
Solid concrete block	70	100	150
Rubble masonry	70	100	140
Ashlar masonry, sandstone	160	320	400
Ashlar masonry, limestone	250	400	500
Ashlar masonry, marble	250	400	500
Ashlar masonry, granite	400	640	800
Plain concrete, 400 pounds per square inch			

ARTICLE XXXVII
Wood

§ 50-157. Quality.

Structural wood shall conform to the requirements for the several grades in specifications or grading rules of regional associations of lumber manufacturers which are based upon the grading procedure of American Lumber Standards in Simplified Practice Recommendations, R16-29, Lumber, of the United States Department of Commerce, and of the Guide to the Grading of Structural Timbers and the Determination of Working Stresses, Miscellaneous Publication No. 185 of the United States Department of Agriculture.

§ 50-158. Size.

Unless expressly stated otherwise, the minimum sizes of wood members refer to nominal sizes. American Lumber Standard dressed sizes shall be accepted as the minimum net sizes conforming to nominal sizes.

§ 50-159. Allowable working stresses.

A. The strength of wood members shall be determined from the actual dimensions of the pieces and not from nominal dimensions.

B. The allowable working stresses, in pounds per square inch, for lumber and timber shall be taken as follows:

	Bending Extreme Fiber (pounds per square inch)	**Horizontal Shear (pounds per square inch)**	**Compression Across Grain (pounds per square inch)**	**Modulus of Elasticity (pounds per square inch)**
Longleaf southern yellow pine	1,600	100	375	1,600,000
Shortleaf southern yellow pine	1,200	100	350	1,600,000
Douglas fir, structural grade	1,600	90	345	1,600,000
Douglas fir, common	1,200	75	325	1,600,000
Red and white oak	1,400	120	500	1,500,000
Spruce	1,100	80	250	1,200,000
West coast hemlock	1,100	75	300	1,400,000
Eastern hemlock	1,100	70	300	1,100,000

C. Wood columns.

(1) The allowable working stresses, in pounds per square inch, for wood columns shall vary with the ratio of length to diameter or least side as follows:

	Where Ratio Equals or Is Less Than						
	12	**16**	**20**	**25**	**30**	**35**	**40**
Longleaf southern yellow pine	980	940	800	702	487	358	274
Shortleaf southern yellow pine	870	847	796	675	487	358	274
Douglas fir, structural grade	980	940	880	702	487	358	274
Douglas fir, common	870	847	796	675	487	358	274
Red and white oak	790	771	728	625	457	336	257
Spruce	632	617	582	500	365	268	206
West coast hemlock	712	696	660	573	426	313	240
Eastern hemlock	556	541	515	447	337	246	188

(2) The ratio of length to diameter or least side shall not exceed 40.

D. Grade-marked timbers of higher structural qualities may be approved by the Building Inspector for use with higher stresses based on authoritative test data.

ARTICLE XXXVIII
Reinforced Concrete

§ 50-160. Quality of materials.

The materials of reinforced concrete shall conform to the requirements of the Building Regulations for Reinforced Concrete (ACI 501-36T) as adopted February 25, 1936, by the American Concrete Institute, except that where reference is made to standard specifications of the ASTM, the designation shall be of the standards or tentative standards of that society as of the effective date of this chapter.

§ 50-161. Allowable working stresses.

The allowable working stresses for reinforced concrete construction shall conform to those contained in the Building Regulations for Reinforced Concrete (ACI 501-36T) as adopted February 25, 1936, by the American Concrete Institute.

ARTICLE XXXIX
Steel and Iron

§ 50-162. Quality of materials.

A. The materials of steel and iron construction shall conform to the requirements of the Specification for the Design, Fabrication and Erection of Structural Steel for Buildings as adopted by the American Institute of Steel Construction in June 1936, except that where reference is made to standard specifications of the ASTM, the designation shall be of the standards or tentative standards of that society as of the effective date of this chapter.

B. Filler metal for fusion welding shall conform to the requirements of the Code for Fusion Welding and Gas Cutting in Building Construction, Code 1, Part A, Edition of 1937, formulated by the American Welding Society, except that where reference is made to standard specifications of the ASTM, the designation shall be of the standards or tentative standards of that society as of the effective date of this chapter.

§ 50-163. Allowable working stresses.

A. The allowable working stresses for iron and steel construction shall conform to those contained in the Specification for the Design, Fabrication and Erection of Structural Steel for Buildings as adopted by the American Institute of Steel Construction in June 1936.

B. The allowable working stresses in fusion welding shall conform to those contained

in the Code for Fusion Welding and Gas Cutting in Building Construction, Code 1, Part A, Edition of 1937, formulated by the American Welding Society.

ARTICLE XL
Bearing Values of Soils

§ 50-164. Presumptive capacity.

In the absence of satisfactory tests, the sustaining power in tons per square foot of different soils shall be taken as follows:

	Sustaining Capacity (tons per square foot)
Soft clay	1
Wet sand	2
Firm clay	2
Sand and clay mixed in layers	2
Fine, dry sand; hard, dry clay	3
Coarse sand	4
Gravel	5
Soft rock	8
Hardpan	10
Medium rock	15
Hard rock	35

§ 50-165. Soil tests.

When there is doubt as to the character of the soil or it is desired to exceed the presumptive capacity, borings or tests shall be made at the expense of the owner, under the direction of the Building Inspector, to determine the safe sustaining power of the soil. A complete record of the test shall be filed with the Building Inspector.

§ 50-166. Filled ground.

No foundation shall be placed on filled ground until the Building Inspector has fixed, by test or inspection, the safe sustaining power that may be assumed.

Part 9
Construction

ARTICLE XLI
Workmanship

§ 50-167. Conformance to generally accepted good practice.

Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice. Specific provisions of this Part 9 shall not be deemed to suspend any requirements of good practice, but shall be regarded as supplementing or emphasizing them and shall be controlling.

ARTICLE XLII
Excavations

§ 50-168. Protection of excavations.

Until provision for permanent support has been made, excavations shall be properly guarded and protected by the persons causing them to be made so as to prevent the excavations from becoming dangerous to life or limb. Where necessary, excavations shall be sheetpiled, braced or shored, and permanent excavations shall be protected by retaining walls or other permanent structures, by the persons causing the excavations to be made, so as to prevent movement or caving in of adjoining soil.

§ 50-169. Support of neighboring buildings and structures.

A. When an excavation extends more than three feet below the curb grade at the common property line or below the surface of the ground where there is no such curb grade, the person causing such excavation to be made shall, if afforded the necessary consent to enter upon the adjoining land, at his own expense, preserve and protect from injury every building or structure, the safety of which may be affected by such excavation, and when necessary, shall underpin and support the same by proper foundations, irrespective of the depth to which the foundations of such building or structure may extend. If the necessary consent is not accorded to the person making the excavation, then it shall be the duty of the person refusing such license to preserve and protect such building or structure from injury and, when necessary, to underpin and support the same by proper foundations; and for that purpose such person shall, when necessary, be permitted to enter upon the premises where such excavation is being made.

B. When an excavation extends not more than three feet below the curb grade at the common property line or below the surface of the ground where there is no such curb grade, the owner of a building or structure, the safety of which may be affected by such excavation, shall preserve and protect the same from injury and, when necessary, shall underpin and support the same by proper foundations. For such purpose, he shall be permitted, if necessary, to enter upon the premises where such excavation is being made.

C. In case there is a party wall along a lot line of the premises where an excavation is being made, the person causing the excavation to be made shall, at his own expense, preserve such party wall in as safe a condition as it was before the excavation was commenced, and shall, when necessary, underpin and support the same by proper foundations.

ARTICLE XLIII
Foundations

§ 50-170. Foundation walls, piers or piles.

The foundation loads of permanent buildings or structures shall be carried down to satisfactory bearing material by means of walls, piers or piles, which shall be so designed that the entire transmitted load will be distributed over the bearing area at a unit intensity

not exceeding the allowable bearing values prescribed in Article XL of this chapter.

§ 50-171. Footings.

Footings shall be designed so that the pressure on the soil per unit of area shall be as uniform as possible under all parts of the building or structure. Footings shall be of stone masonry or stone concrete and shall be carried down not less than three feet below finished grade. They shall not be placed upon frozen soil nor be placed in freezing weather unless adequate precautions are taken against frost action. Except under rubble masonry walls where the allowable bearing values of the soil are not exceeded, all footings shall be at least eight inches wider than the foundation wall above and shall have a depth at least equal to the total projection beyond such foundation wall.

ARTICLE XLIV
Foundation Walls

§ 50-172. General requirements.

Foundation walls for the support of solid-wall construction shall be of solid masonry or concrete; foundation walls for the support of hollow block or tile construction may be of hollow concrete block. They shall be of adequate strength and thickness to resist lateral pressures from adjacent earth and to support their vertical loads, but the thickness shall not be less than the thickness of wall supported by them. Where cellars occur, foundation walls shall be continuous walls extending at least six inches below top of the finished cellar floor. Where foundation walls enclose a space between floors of wood construction and the earth, suitable ventilation shall be provided.

§ 50-173. Rubble masonry.

Foundation walls of rubble masonry shall be not less than 16 inches in thickness.

§ 50-174. Brick or concrete block.

Foundation walls of brick or concrete block shall be not less than 12 inches in thickness. The outside face of such walls in contact with the soil shall be dampproofed with 3/4 of an inch of cement mortar or with other approved material.

§ 50-175. Plain concrete.

Foundation walls of plain concrete shall be not less than 12 inches in thickness.

§ 50-176. Reinforced concrete.

Foundation walls of reinforced concrete shall be not less than eight inches in thickness. Reinforcing steel in footings and foundations shall be protected by at least three inches of concrete.

§ 50-177. Minor buildings.

The Building Inspector may exempt foundation walls for small one-story buildings or private garages from the foregoing provisions of this Article and permit their construction of such materials, thickness and depth as may meet his approval.

ARTICLE XLV
Masonry Construction

§ 50-178. Erection requirements.

Masonry shall be plumb and true to line. It shall be protected against freezing for at least 48 hours after being set. No frozen materials shall be used or built upon. Masonry walls that meet or intersect shall be adequately bonded or anchored. Isolated piers shall not exceed in height 10 times their least dimension. Masonry walls shall be braced either horizontally or vertically at right angles to the wall face, at maximum intervals of 20 times the wall thickness. Horizontal bracing may be obtained by floors or roofs. Vertical bracing may be obtained by cross walls, wall columns or buttresses or by increasing the wall thickness.

§ 50-179. Mortar.

A. Footings, foundation walls and piers, freestanding chimneys and chimneys from the underside of roof rafters to their tops shall be laid in cement mortar only. All other masonry construction shall be laid in cement or lime-cement mortar, provided that the Building Inspector may permit the use of lime mortar when in his judgment the nature of the construction warrants such use.

B. Mortar ingredients shall be thoroughly mixed and uniformly distributed throughout the mass. Mortar shall be used before the initial set has commenced. No retempered mortar containing cement shall be used.

§ 50-180. Brick masonry.

In brick walls, at least every seventh course on both sides of the wall shall be a header course or there shall be at least one full-length header in every 84 square inches of wall surface. In walls more than 12 inches thick, the inner joints of header courses shall be covered with another header course which shall break joints with the course below. When running bond is used, every seventh course on each face shall be bonded into the backing in a substantial manner. All brick having appreciable absorption shall be thoroughly wet before laying.

§ 50-181. Stone masonry.

In stone masonry, at least 10% of the face area shall consist of header stone uniformly distributed and extending through the wall. Sandstones and other stones showing a pronounced cleavage shall be laid on their natural bed.

§ 50-182. Hollow walls and walls of block or tile.

In hollow walls and in walls and piers of hollow block or tile, solid masonry shall be

provided at each line of floor beams and wherever load concentrations occur to ensure good bearing and a uniform distribution of load. In hollow walls, the separate parts thereof shall be bonded together so that the parts of the wall will exert common action under the load. In walls of block or tile one unit in thickness, each unit shall break joints with that next above. When more than one unit is required to produce a given wall thickness, the units shall break joints with the units next above and shall be laid with a masonry bond equivalent to one course of headers to each three courses of stretchers. The maximum height of hollow walls and walls of block or tile shall be 35 feet.

§ 50-183. Faced walls.

Faced walls shall be of at least the thickness required for masonry walls of the material forming the backing. Facings of brick or solid structural units shall be bonded into the backing with headers at least four inches thicker than the facing and equivalent to 1/6 the area of the wall. Dressed stone facings shall be similarly bonded, and, in addition, every stone other than bondstone shall be anchored to the backing with at least one noncorrodible metal anchor. Materials used in facing shall have a thickness of not less than 1/8 the height of the unit and not less than 3 3/4 inches in any case.

§ 50-184. Veneered walls.

When walls are veneered with brick, terra-cotta, stone or other approved material, the veneering shall be tied into the backing either by a header for every 300 square inches of wall surface or by substantial noncorrodible metal wall ties spaced not farther apart than one-foot vertically and two feet horizontally. In no case shall the veneering be considered a part of the wall in computing the strength of bearing walls, nor shall it be considered a part of the required thickness of the wall.

§ 50-185. Wall thicknesses.

A. Thickness specified.

(1) The thickness of masonry walls shall be sufficient to keep the stresses in the masonry within the allowable working stresses prescribed by this chapter[13] and, except as otherwise provided in Subsection B of this section, shall be not less than as specified in the following table:

Minimum Thickness of Masonry Walls (inches)

	Height of Wall in Stories		
	3	**2**	**1**
Third story	8		
Second story	12	8	
First story	12	12	8
Foundation	16	12	12

13. **Editor's Note: See Part 8, Article XXXVI.**

(2) For the purpose of calculating wall thicknesses, the maximum height of a story shall be 10 feet.

B. Exceptions.

(1) In single-family dwellings, the second-story wall in a three-story dwelling, the first- and second-story walls in a two-and-one-half-story dwelling and the first-story wall in a two-story dwelling may be eight inches thick.

(2) Except for party walls, walls supported by girders at each story may be eight inches thick.

(3) Nonbearing walls may be four inches less in thickness than as shown in the table in Subsection A above, provided that no such wall shall be less than eight inches nor more than 2 1/2 stories in height for such thickness.

(4) Rubblestone walls shall be four inches more in thickness than as shown in the table, provided that no such wall shall be less than 16 inches.

(5) Walls exceeding 75 feet in length between cross walls, piers or buttresses shall be increased four inches in thickness for each additional 75 feet or fraction thereof of length.

(6) When the clear span between bearing walls or between a bearing wall and an intermediate support is more than 26 feet, the thickness of such walls shall be increased four inches for each additional 10 feet or fraction thereof of span except where such bearing walls are adequately reinforced by buttresses.

§ 50-186. Chases and recesses.

A. No chase or recess shall be cut or built within the required area of a pier. The maximum depth of any permitted recess or chase shall be 1/3 of the wall thickness, and such recess or chase shall have not less than eight inches of material at the back, provided that radiator recesses under windows may have a maximum depth of 1/2 of the wall thickness and not less than four inches of material at the back.

B. The maximum length of any horizontal chase without suitable structural support shall be four feet and the maximum horizontal projection of any diagonal chase without suitable structural support shall be four feet.

C. The aggregate area of chases and recesses in a wall shall not exceed 1/4 of the whole area of the face of the wall in any story.

D. Chases and recesses that would reduce the thickness below the required minimum shall not be cut or built in fire walls, fire partitions or in fire protection of structural members.

E. Chases and recesses may be built into hollow walls and walls of hollow block or tile but shall not be cut in such walls.

ARTICLE XLVI
Wood Construction

§ 50-187. Beams and joists.

A. Wood beams and joists resting on masonry walls shall have a bearing of at least four inches on the masonry. The ends of wood beams and joists resting on masonry walls, except walls other than party walls in single-family and two-family dwellings, shall be cut to a bevel of three inches in their depth.

B. Wood members entering a masonry party or fire wall shall be separated from each other and from the opposite side of the wall by at least four inches of solid masonry.

C. Wood floor and flat-roof joists having spans in excess of eight feet shall be rigidly braced with continuous rows of bridging at intervals not exceeding eight feet.

D. Header joists over six feet long and tail joists over 12 feet long shall be hung in approved metal stirrups or hangers or secured by other means affording equivalent support.

E. Joists under partitions and running parallel thereto shall be doubled. Headers carrying more than three joists and the corresponding trimmers shall be doubled.

F. Except in single-family dwellings, all trimmers and at least one beam or joist in every six feet which rest on masonry walls shall be secured to such walls by approved metal anchors attached in a manner to be self-releasing. Except in single-family dwellings, where joists or beams run parallel to masonry walls, such walls shall be tied to the floor construction at intervals of not more than eight feet with approved metal anchors extending over and secured to at least three joists.

G. No beam or joist shall be cut or pierced in any manner that would cause it to be of insufficient strength for its load.

H. Wood floor joists and stair horses shall be not less than two inches in nominal thickness and shall be spaced not more than 16 inches on centers. Where the ceiling is to be plastered, the allowable deflection caused by the live load shall not exceed 1/360 of the span length.

I. Joist sizes for dwellings.

(1) For the purposes of this Article, the following sizes, in inches, of joists for dwellings, set on sixteen-inch centers, shall be acceptable construction:

(a) For lengths up to 10 feet: two by eight.

(b) For lengths up to 14 feet: two by 10, three by eight.

(c) For lengths up to 17 feet: two by 12, three by 10.

(d) For lengths up to 21 feet: three by 12.

(2) For an unplastered ceiling or where the allowable deflection is not exceeded for a plastered ceiling, the following net sizes, not nominal sizes, in inches, of

joists for dwellings, set on sixteen-inch centers, shall be acceptable construction:

(a) For lengths up to 12 feet: two by eight.

(b) For lengths up to 15 feet: two by 10.

(c) For lengths up to 18 feet: two by 12, three by 10.

(d) For lengths up to 22 feet: three by 12.

J. All wood beams and joists shall be trimmed away from flues and chimneys to provide a clearance of not less than two inches. In front of a fireplace, an opening shall be trimmed to support a trimmer arch or approved masonry hearth at least 12 inches from the face of the breast and at least nine inches wider than the fireplace opening on each side.

§ 50-188. Stud walls and partitions.

A. Bearing walls and partitions shall be constructed to develop a strength and rigidity equivalent to wood studding, not less than two inch by four inches, spaced not to exceed 16 inches in centers. Wood stud partitions shall not be used for bearing purposes in more than one story except in single-family and two-family dwellings.

B. Where studs continue through more than one story, joists shall be nailed securely to the studs and shall be supported upon not less than a one-inch-by-four-inch ribbon board notched into the studs and securely nailed thereto.

C. Bearing partitions of wood studding shall be provided at the top with double plates, each at least two inches thick and of the same width as the studs, or with a single plate at least three inches thick and of the same width as the studs. Where these partitions do not rest upon girders or upon partition plates below, they shall have sole plates of the same dimensions as the studs.

D. A wood sill not less than two inches in nominal thickness and not less than six inches in width shall be placed under all stud wall or partitions that rest on masonry or concrete foundations.

§ 50-189. Roof framing.

A. Wood rafters shall be not less than two inches in thickness, not less than six inches in depth and spaced not more than 24 inches on centers. Hip and valley rafters shall be two inches more in depth than common rafters. Studding and collar beams shall be used for bracing as required by the Building Inspector.

B. For double-pitch roofs, ridge pieces shall be provided of a depth not less than the plumb cut of the abutting rafters.

C. A wall plate of suitable size shall be provided and the feet of rafters securely nailed thereto.

ARTICLE XLVII
Reinforced Concrete Construction

§ 50-190. Conformance with standards.

Except as otherwise provided in this chapter, the design and construction of reinforced concrete shall be in accordance with the provisions of the Building Regulations for Reinforced Concrete (ACI 501-36T) as adopted February 25, 1936, by the American Concrete Institute.

§ 50-191. Average concrete.

When no preliminary tests of the materials to be used are made, the compressive strength in pounds per square inch which shall be assumed as the basis for design shall not exceed the values in the following table. The surface water contained in the aggregate must be included as part of the mixing water in computing the water-cement ratio.

Assumed Strength of Concrete Mixtures

Minimum Proportions: Volume of Portland Cement to Sum of Separate Volumes of Fine and Coarse Aggregate as Measured Dry	Maximum Water-Cement Ratio, U.S. Gallons per 94-Pound Sack of Cement	Assumed Compressive Strength at 28 Days in Pounds per Square Inch
1:7	8 1/4	1,500
1:6	7 1/2	2,000
1:5	6 3/4	2,500
1:4	6	3,000

ARTICLE XLVIII
Steel and Iron Construction

§ 50-192. Conformance with standards.

Except as otherwise provided in this chapter, the design, fabrication and erection of steel and iron construction shall be in accordance with the provisions of the Specification for the Design, Fabrication and Erection of Structural Steel for Buildings as adopted by the American Institute of Steel Construction in June 1936.

§ 50-193. Fusion welding and gas cutting of structural steel.

A. Fusion welding may be substituted for or used in combination with riveting, bolting or other connecting means specified in this chapter, and gas cutting may be substituted for shearing, sawing or other cutting means, only when the Building Inspector is satisfied that the nature of the work, the skill of the workmen and inspectors and the design of the building and details to be welded will produce results in conformity with this Article.

B. The design and execution of permitted fusion welding and gas cutting operations

shall be in accordance with the provisions and limitations of the Code for Fusion Welding and Gas Cutting in Building Construction, Part A — Structural Steel, Edition of 1937, of the American Welding Society.

ARTICLE XLIX
Miscellaneous Requirements

§ 50-194. Concrete floors.

In all buildings except accessory farm buildings and buildings of a similar nature, every floor resting directly on the ground shall be of portland cement concrete not less than three inches thick. The Building Inspector may require such floor to be laid on not less than three inches of sand or cinders or constructed in some other approved manner to guard against dampness from below such floor.

§ 50-195. Drainage.

Adequate provision shall be made for the drainage of water from all buildings, yards and courts. Rain conductors shall not discharge over the sidewalk of a street but shall be installed under the sidewalk through cast-iron pipe so as to discharge into the gutter at the curbline.

Part 10
Fire Protection and Fire Resistance

ARTICLE L
Determination of Fire Resistance

§ 50-196. Building materials and assemblies.

A. The fire resistance of materials of construction and fire protective materials, and assemblies or combinations thereof, when not specifically designated in this chapter, shall be determined by performance under the standard fire test made in accordance with the Standard Specifications for Fire Tests of Building Construction and Materials, ASTM Designation C 19-41.

B. Fire-resistive materials.

(1) Within the limitations and restrictions specified in this chapter for given uses and conditions, the following materials and assemblies or combinations of materials shall be classed as fire-resistive materials:

Brick: clay, shale or concrete
Concrete block or tile
Concrete, plain or reinforced
Gunite
Gypsum block or tile
Gypsum, plain or reinforced
Hollow clay tile
Metal lath and plaster

(2) In lieu of metal lath and plaster, approved fire-resistive plasterboard may be used on which plaster shall be applied to make the total thickness of board and plaster not less than that required for metal lath and plaster.

C. All fire-resistive construction of burned clay, concrete or gypsum units or other similar units shall be solidly bedded and laid in gypsum mortar, lime-cement mortar or cement mortar, provided that gypsum units shall be laid in gypsum mortar only. All such units shall be thoroughly bonded by broken joints in alternate courses or by approved metal ties.

D. Plaster for fire protection shall consist of gypsum mortar, portland cement mortar or other equally fire-resistive materials. Gypsum plaster only shall be used for plastering on gypsum units.

E. Poured-in-place concrete or gypsum fire-resistive materials shall be reinforced for protective purposes with a sufficient amount of metal bars or mesh to ensure the integrity of the construction.

F. Other materials or assemblies of materials for fire protection purposes may be used when approved by the Building Inspector on satisfactory evidence of their efficiency.

G. The provisions of this Part 10 are minimum requirements for fire protection purposes and shall not be deemed to modify the requirements of other parts of this chapter.

§ 50-197. Fire protection appliances.

A. Except as otherwise specifically provided in this Part 10, fire protection appliances, such as fire doors, fire windows, automatic and open sprinklers and automatic-releasing devices, shall conform to the specifications in rules duly promulgated by the Building Committee.

B. In the absence of such specifications or when not inconsistent with the provisions of this chapter, appliances enumerated in the List of Inspected Fire Protection Appliances of Underwriters' Laboratories, Inc., shall be deemed to meet the requirements of this Part 10.

ARTICLE LI
Fireproof Construction

§ 50-198. General rule of acceptance.

Subject to the specific limitations of this Article, any form of construction that develops the required fire resistance in the standard fire test shall be acceptable in fireproof construction.

§ 50-199. Structural iron and steel.

A. Iron and steel columns placed within exterior walls or along the outer lines of a

building shall be protected by approved masonry not less than four inches thick, provided that the interior faces may be protected as hereinafter specified for columns in the interior of the building.

B. For the protection of iron or steel columns in the interior of a building, brickwork shall be not less than 3 3/4 inches thick; concrete shall be not less than two inches thick; hollow clay tile shall be not less than two inches thick and, when single-shell tile is used, it shall be plastered on the exposed surfaces with gypsum mortar or cement mortar at least 1/2 inch in thickness, or, when double-shell tile is used, it may be unplastered; poured gypsum shall be not less than 1 1/2 inches thick; solid blocks shall be not less than two inches thick; and hollow gypsum blocks shall be not less than three inches thick. The fireproofing materials shall be in contact with the member to be protected, or the spaces between the fireproofing and the member to be protected shall be filled with concrete or mortar.

C. No fireproofing material for the protection of iron or steel columns shall be less than 1 1/2 inches thick in any case, provided that the outer edges of lugs and brackets may extend not nearer than one inch to the outer surface of the protecting material.

D. For iron or steel girders or lintels supporting walls, the brickwork, concrete, hollow clay tile or gypsum used as fire protection shall be not less than two inches thick, provided that when the span does not exceed six feet or such opening is spanned by an adequate masonry arch above the lintel, the fireproofing may be omitted.

E. For iron or steel girders or beams, except when supporting walls, the brickwork, concrete, hollow clay tile or gypsum used as fire protection shall be not less than 1 1/2 inches thick; or such girders or beams may be protected by gypsum mortar or cement mortar 1 1/2 inches thick on expanded metal lath weighing not less than three pounds per square yard.

F. Members of steel trusses shall be protected by fireproofing materials to provide a fire-resistive rating of not less than two hours, or the trusses may be protected on the sides and below the bottom chords with expanded metal lath and gypsum mortar or cement mortar not less than one-inch thick, provided that the protection of roof trusses, beams and purlings may be omitted if there is a clear height of at least 20 feet from the finished floor to the underside of the trusses.

G. No pipes, wires, cables or other service equipment shall be embedded in the required fireproofing of columns or other structural members, nor shall they be between the required fireproofing and the member protected.

H. Where the fireproofing of columns is exposed to the damage of trucking or the handling of merchandise, it shall be jacketed for a height of five feet from the floor with substantial covering.

§ 50-200. Steel in reinforced concrete.

A. The reinforcement in columns, girders and beams shall be covered on all sides by not less than 1 1/2 inches of concrete, and in walls and floor slabs by not less than

one inch of concrete.

B. When the exterior surfaces of the concrete are covered with cement mortar or gypsum mortar 3/4 of an inch or more in thickness, the concrete covering the reinforcement, except in footings, may be 1/2 inch less than herein otherwise required, provided that in no case shall it be less than 3/4 of an inch.

§ 50-201. Floor and roof construction.

A. Floor and roof construction between supporting beams shall consist of an approved system of arches or slabs of noncombustible material. Except as specifically provided otherwise, such construction shall, either by itself or in combination with its protective ceiling, have a fire-resistive rating of at least two hours.

B. Steel beams or approved steel joists which are not individually protected by fireproofing materials as specified in this Article shall be of uniform depth in each floor bay and shall be protected on the underside by a ceiling of expanded metal lath and gypsum mortar or cement mortar not less than one-inch thick and on the upper side with a concrete or gypsum slab not less than two inches thick.

C. Steel beams or joists shall be tied together by steel rods or by rigid steel bridging of proper size, spacing and location.

§ 50-202. Partitions.

Partitions shall be constructed of noncombustible materials, provided that unless otherwise specifically required, partitions may have wood doors, door casings, frames, jambs and bucks, window and transom frames and casings, and provided further that temporary partitions of wood and glass may be erected within rooms or spaces not exceeding 5,000 square feet in area, occupied by a single tenancy.

§ 50-203. Interior finish.

A. Where wood sleepers are used for laying floors, the space between the floor slab and the underside of the flooring shall be filled with noncombustible material.

B. Wood trim may be used for door or window casings, chair rails, picture moldings and baseboards when backed solidly with noncombustible materials.

C. Wood wainscoting and other surface coverings may be used on walls, partitions and ceilings when applied direct or to nailing strips and without concealed spaces, provided that such material used in a room or space exceeding 5,000 square feet in area shall have been treated to render it nonflammable.

ARTICLE LII
Heavy Timber Construction

§ 50-204. Columns.

A. Wood columns shall be not less than eight inches, nominal, in any dimension. All corners shall be rounded or chamfered.

B. Column and girder connections shall be of fire-resistive construction or protected by approved materials and methods having a fire-resistive rating of not less than one hour. Wood bolsters may be used only to support roofs.

C. Columns shall not rest on floor timbers, nor shall they rest on masonry foundations unless stone, cast-iron or steel bases are used to transmit their loads.

§ 50-205. Beams and girders.

A. Beams and girders of wood shall be not less than six inches in least dimension nor less than 10 inches in depth. If built up of two or more pieces, they shall be properly bolted together with precaution shall be taken to prevent decay of contact faces.

B. Wall plates, boxes of self-releasing type or approved hangers shall be provided where beams or girders rest on walls.

C. Where girders meet columns, they shall be fitted around them or butted up close to them. The ends of girders shall be held in place by steel or iron straps, spiked, bolted or lag-screwed on their sides unless the post caps have sides projecting upward which can be lag-screwed to the girders.

D. Where intermediate beams are found necessary for the support of a floor, they shall rest on top of the girders, or they may be supported by approved steel or iron hangers into which the ends of beams shall be closely fitted. Interstices between beams framed together shall be filled in with a preservative compound.

E. Wood beams and girders supported by walls shall have at least eight inches of masonry between their ends and the outside face of the wall. Where beams enter walls from opposite sides, there shall be at least eight inches of masonry between sides of adjacent beams.

§ 50-206. Floors.

Floors shall be constructed of splined or tongued and grooved plank not less than three inches in thickness covered with one-inch flooring laid cross-wise or diagonally, or of planks at least four inches thick set on edge close together with broken joints and spiked at intervals of not more than 18 inches. Flooring shall not extend closer than 1/2 inch to walls, and the space thus left shall be covered by a molding which will not obstruct an expansive movement of the floor due to wetting; or the masonry may be corbeled under the floor planks to cover this space.

§ 50-207. Roofs.

Roofs shall be constructed the same as floors, except that the plank shall be not less than 2 1/2 inches thick and beams supporting the roof shall be not less than six inches in either dimension.

§ 50-208. Condition of timber.

Wood used in heavy timber construction shall be thoroughly seasoned and dry and shall

be installed in such manner as to prevent dry rot or rapid decay. No paint or finish of any kind shall be applied until timbers are thoroughly seasoned.

§ 50-209. Structural members other than wood.

Structural members of steel or reinforced concrete may be used if protected as provided in this Part 10 for fireproof construction.

ARTICLE LIII
Fire Walls and Party Walls

§ 50-210. Construction.

Fire walls and party walls shall be of reinforced concrete or an approved type of masonry and shall comply with all requirements for exterior bearing walls. Fire walls may be offset from floor to floor in any building, provided the entire offset is of construction having a fire-resistive rating of not less than four hours.

§ 50-211. Parapets.

A. Parapets shall be provided on all fire walls and party walls where such walls connect with roofs other than roofs of fireproof construction, provided that party walls in single-family and two-family dwellings, the roofs of which pitch at an angle of 30° or more from the horizontal, may stop at the underside of the sheathing when the rafters on each side are placed directly against the wall.

B. Required parapets shall extend not less than two feet above the roof, provided that in residence buildings such parapets may extend not less than 12 inches above the roof.

C. Required parapets shall be properly coped with non-combustible weatherproof material.

§ 50-212. Openings.

The maximum area of an opening in a fire wall shall be 80 square feet, provided that when intended for the passage of motortrucks, the area may be a maximum of 140 square feet. The total width of all such openings on any level shall not be greater than 25% of the length of the wall. Every opening in a required fire wall shall be protected on each side with an approved automatic fire door, provided that when a fire wall serves also as a horizontal exit, one of the automatic fire doors at each opening shall be replaced by a self-closing fire door.

ARTICLE LIV
Partitions

§ 50-213. Garages.

Garages located within or attached to a building shall be separated from the remainder of the building by partitions having a fire-resistive rating of not less than one hour for

private garages and not less than two hours for minor garages. Openings in such partitions shall be restricted to a single doorway protected by an approved, self-closing fire door and the door sill shall be raised at least 10 inches above the garage floor level.

§ 50-214. Business buildings.

In every business building used also as a dwelling, partitions separating the business occupancy from the residence occupancy shall have a fire-resistive rating of not less than one hour. Openings in such partitions shall be protected by approved fire doors.

§ 50-215. Cellar partitions.

Except in single-family or two-family dwellings, partitions hereafter erected in cellars or basements without an approved sprinkler system shall be constructed of noncombustible materials or shall have a fire-resistive rating of not less than one hour, unless such partitions enclose only coal or wood bins and do not extend to the ceiling.

§ 50-216. Apartment partitions.

Partitions separating apartments, or apartments from hallways, or apartments from other occupancies shall, in fireproof or heavy timber construction, have a fire-resistive rating of not less than two hours, and in other types of construction, shall have a fire-resistive rating of not less than one hour. Openings in such partitions shall be protected by approved fire doors.

§ 50-217. Acceptable construction.

A. For the purposes of this Article, the following constructions shall be deemed to have a fire-resistive rating of two hours:

   (1) Brick four inches thick laid in cement mortar or lime-cement mortar plastered on both sides.

   (2) Hollow clay tile six inches thick laid in cement mortar, lime-cement mortar or gypsum mortar plastered on both sides with gypsum mortar or cement mortar not less than 1/2 inch in thickness, and having at least two cells in the thickness of the partition.

   (3) Cored gypsum blocks four inches thick laid in gypsum mortar.

B. For the purposes of this Article, the following construction shall be deemed to have a fire-resistive rating of one hour:

   (1) Wood studs covered on both sides with gypsum mortar or cement mortar not less than 3/4 of an inch in thickness on expanded metal lath.

ARTICLE LV
Ceilings

§ 50-218. Garages.

Garages which are in the basement or cellar of any building or which have a second story over them or which have loft or storage space above them shall have a ceiling construction having a fire-resistive rating of not less than one hour for private garages and of not less than two hours for minor garages.

§ 50-219. Business buildings.

In every business building used also as a dwelling, the floor or ceiling construction separating the business occupancy from the residence occupancy shall have a fire-resistive rating of not less than one hour.

§ 50-220. Cellar ceilings.

In buildings of ordinary masonry construction, except dwellings, one-story buildings outside the fire limits and buildings with cellars or basements having an approved sprinkler system, the ceiling over cellars or basements shall have a fire-resistive rating of not less than one hour.

§ 50-221. Acceptable construction.

For the purposes of this Article, the following ceiling construction shall be deemed to have a fire-resistive rating of not less than one hour: gypsum mortar or cement mortar not less than 3/4 of an inch in thickness on expanded metal lath.

ARTICLE LVI
Exterior Walls and Openings

§ 50-222. Locations.

A. Openings in an exterior wall of every building, except single-family and two-family dwellings and buildings accessory thereto and churches, which openings face, at a distance of less than 20 feet, the further side of a street or a combustible wall or roof or an unprotected opening in a wall or roof of another building on the same lot, or which are less than 10 feet from a side or rear property line, shall be protected by approved fire doors or fire windows.

B. Exterior walls of all buildings, except where fronting on a street, alley or public open space not less than 10 feet wide, which are less than five feet from a property line or less than 10 feet from another building on the same lot, shall be of not less than two-hour fire-resistive construction, and all openings therein shall be protected by approved fire doors or approved fire windows; provided that in buildings of metal frame construction, exterior walls of unprotected metal may be considered to meet the requirements of this subsection.

C. All openings over six feet wide in exterior walls of buildings of ordinary masonry construction shall have lintels of reinforced concrete or of steel with fireproofing at least two inches thick, provided that in residence buildings, the fire protection of steel lintels may consist of metal lath, well secured and covered with one inch of cement plaster. All such openings under six feet wide shall have lintels of

reinforced concrete or steel, provided that wood lintels may be used on the inside of the wall.

ARTICLE LVII
Stairway Enclosures

§ 50-223. When required.

A. In every building exceeding 30 feet to the floor of the topmost story or occupied by more than 40 persons above or below the first story above grade and in multiple dwellings more than two stories high, interior stairways, including hallways connecting them to the doorway leading to the outside, shall be enclosed with a partition construction of noncombustible materials having a fire-resistive rating of not less than two hours.

B. In all other buildings, except single-family and two-family dwellings, interior stairways which are not enclosed in partitions as prescribed in the preceding subsection shall be enclosed in partitions of wood studs firestopped at every floor with noncombustible material and covered on both sides with expanded metal lath and cement mortar or gypsum mortar not less than 3/4 of an inch in thickness or of other construction having a fire-resistive rating of not less than one hour.

C. Nothing in this Article shall require the enclosure of a stairway which does not serve as a required exit and does not connect more than two stories.

§ 50-224. Openings.

Doorways in required stair enclosures shall be equipped with approved self-closing fire doors, except that when two-hour partitions are not required for the enclosure, substantial self-closing metal or metal-covered doors or wood doors of the flush type of nominal thickness of one and 3/8 inches may be used.

§ 50-225. Basement stairs.

Except in single-family or two-family dwellings, no stair leading up from a basement or cellar shall be placed under a stairway leading from an upper story unless such stair and stairway are enclosed within the basement or cellar by a two-hour partition and with an unbroken ceiling construction having a fire-resistive rating of not less than one hour on the soffit of the flight through the lowest story of the stairway from above.

ARTICLE LVIII
Shaft Enclosures

§ 50-226. When required.

All shaftways through two or more successive floors, or floors and roof, hereafter constructed in a building, used for ventilation, light, elevator or other purpose, except stairways, ducts, incinerator chutes and flues, and shaftways in residence buildings of ordinary masonry construction extending from the ceiling of the top story to and above the roof, shall be enclosed to constitute a shaft.

§ 50-227. Construction.

The walls of shafts, unless construction of masonry or reinforced concrete, shall be partitions of noncombustible materials having a fire-resistive rating of not less than two hours, provided that the walls of shafts in residence buildings of ordinary masonry construction may be of a construction having a fire-resistive rating of not less than one hour.

§ 50-228. Openings.

Shafts shall have no openings other than such as are necessary for the purpose of the shaftway. Such openings shall be protected with approved fire doors, approved fire shutters or approved fire windows.

§ 50-229. Enclosure at top.

Every shaft extending into the top story of a building of heavy timber or ordinary masonry construction shall be carried through and not less than three feet above the roof. Every shaft extending above the roof, except open shafts, shall be covered at the top with a skylight or a sidelight of at least 3/4 of the area of the shaftway in the top story. Every skylight in which plain glass is used shall be protected by a substantial wire screen placed above it and wire screen suspended underneath. A shaft that does not extend into the top story shall have the top enclosed with a construction having a fire-resistive rating of not less than two hours.

§ 50-230. Enclosure at bottom.

A shaft that does not extend to the bottom of the building shall be enclosed at its lowest point with a floor construction of the same type as that required for the lowest floor to or through which it passes, provided that in any case it shall have a fire-resistive rating of not less than one hour.

ARTICLE LIX
Firestopping

§ 50-231. Concealed draft openings.

All buildings hereafter erected shall have all concealed draft openings firestopped with noncombustible material to form an effectual fire barrier between stories and between stories and between the upper story and roof space, provided that in single-family dwellings, concealed draft openings may be fire-stopped with wood blocks cut in solidly or by other approved methods.

§ 50-232. Pipes, belts and shafting.

Openings around exposed pipes or power shafting shall be filled with noncombustible material or shall be closed off by close-fitting metal caps at the ceiling and floor line or on each side of the wall. Openings for belts shall be provided with approved slotted doors or be otherwise closed off. Belts shall not pass through fire-walls.

§ 50-233. Cornices.

Continous exterior cornices built of wood or having wood frames shall be fire-stopped between each building and at maximum intervals of 20 feet. If such cornices are noncontinuous, they shall be built with closed ends and separated at least four inches.

§ 50-234. Inspection.

No firestopping shall be covered or concealed from view until inspected and approved by the Building Inspector.

Part 11
Chimneys and Heating Appliances

ARTICLE LX
Chimneys

§ 50-235. Construction.

A. Chimneys hereafter erected shall be built of reinforced concrete, brick or of other approved masonry not less than eight inches thick; provided that for stone masonry other than sawed or dressed stone in courses, properly bonded and tied with metal anchors, the thickness shall be not less than 12 inches; and provided that in single-family or two-family dwellings, the thickness of chimneys used exclusively for ordinary stoves, ranges, furnaces or open fireplaces may be reduced to not less than 3 3/4 inches for brick or solid concrete and to not less than 10 inches for stone.

B. Chimneys shall be built upon concrete or solid masonry foundations. The footing of an exterior chimney shall start below the frost line.

C. No chimney shall be corbeled from a masonry wall more than six inches nor from a wall less than 12 inches thick.

D. Chimneys shall extend at least three feet above the highest point at which they come in contact with a roof of the building and at least two feet higher than the highest portion of the roof within 10 feet of the chimney, provided that a chimney need not extend more than two feet above the ridge of a pitched roof.

E. Chimneys shall be properly capped with terra-cotta, stone, cast-iron or other approved noncombustible, weatherproof material.

§ 50-236. Flue linings.

A. Every flue shall have a flue lining of burned fireclay flue lining not less than 5/8 of an inch thick, firebrick or approved perforated radial chimney brick.

B. Flue linings shall be built in as the chimney construction is carried up, carefully bedded one on the other in mortar with close-fitting joints left smooth on the inside. All spaces between the masonry and lining shall be thoroughly filled with mortar. Cracked, broken or otherwise defective flue lining shall not be used in a chimney.

C. Flue linings shall start at least four inches below the bottom of smoke pipe intakes

or, in the case of fireplaces, from the throat of the fireplace. Flue linings shall be continuous for the entire height of the flue and extend at least two inches above the chimney top.

D. When two or more flues are contained in the same chimney, the flue linings shall be separated by a withe of cement grouting at least one-inch thick or by a division wall of brick or concrete at least 3 3/4 inches thick. Flues intended for heating furnaces or boiler connections shall be separated from other flues by a division wall of at least 3 3/4 inches thick. In party walls, flue linings of one building shall be separated from those of the adjoining building by at least eight inches of masonry.

§ 50-237. Smoke test.

The Building Inspector may require a smoke test of a chimney after the mortar has thoroughly hardened. Should the test indicate openings, they shall be made tight before making use of the chimney.

ARTICLE LXI
Fireplaces

§ 50-238. Construction and material specifications.

A. The backs and sides of fireplaces hereafter erected shall be of approved masonry or reinforced concrete not less than eight inches in thickness. A lining of firebrick or other approved material at least two inches thick shall be provided unless the thickness is 12 inches.

B. Fireplaces shall have hearths of brick, stone, tile or other approved noncombustible material supported by trimmer arches of masonry, concrete or iron. Such hearths and trimmer arches shall extend at least 12 inches outside of the chimney breast and not less than nine inches beyond each side of the fireplace opening along the chimney breast.

C. Wood centers used in the construction of that part of the supporting arch which is below the hearth of the fireplace inside of the chimney breast shall be removed when the construction of the arch is completed and before plastering on the underside.

D. No wood mantel or other woodwork shall be placed within five inches of the top or side of a fireplace opening.

ARTICLE LXII
Metal Smokestacks

§ 50-239. Construction.

Metal smokestacks shall be securely supported and all materials entering into their construction or serving as support shall be stressed within the working stresses fixed by

this chapter.[14] The metalwork shall be riveted or welded and of approved thickness. All metalwork shall be painted. Cleanout openings shall be provided at the base of every such stack. All metal smokestacks used for high temperatures shall extend to a height of not less than 10 feet above the highest point of any roof within 25 feet.

§ 50-240. Exterior stacks.

Every metal smokestack or part thereof hereafter erected on the exterior of a building shall be braced to the building at least every 20 feet and shall have a clearance from the wall of not less than 24 inches if the wall is of wood frame construction and of not less than four inches if the wall is of any other type of construction, provided that such clearances may be reduced by the Building Inspector if approved insulation is used.

§ 50-241. Interior stacks.

Every metal metal smokestack or part thereof hereafter erected within a building other than a one-story building shall be enclosed above the story in which the appliance served thereby is located, in walls of approved masonry with a ventilated air space between the enclosing walls and the stack. Where such a stack passes through a roof constructed of combustible materials, it shall be guarded by a galvanized iron ventilating thimble extending not less than nine inches above and below such roof construction and providing a clearance on all sides of the stack of not less than 12 inches.

ARTICLE LXIII
Smoke pipes

§ 50-242. Construction.

A. Smoke pipes shall enter the side of chimneys through a fireclay or metal thimble or flue ring of masonry. No smoke pipe shall pass through a floor nor through a roof unless such roof is constructed of noncombustible materials.

B. The clear distance between a smoke pipe and combustible material or construction, including plaster on combustible base, shall be not less than 18 inches, provided that such clearance may be reduced to nine inches when such smoke pipes are protected with not less than one inch of asbestos or in some other approved manner, or when such combustible material or construction is protected by sheet metal or equivalent covering placed at least one inch from the surface to be protected and extending the full length of the smoke pipe and not less than 1/2 the diameter of the pipe beyond it on both sides.

ARTICLE LXIV
Stoves and Ranges

§ 50-243. Mounting.

Cooking stoves, laundry stoves and heating stoves, other than gas and electric ranges,

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14. **Editor's Note: See Part 8, Article XXXVI.**

hereafter installed shall be set on hearth supported by masonry trimmer arches extending not less than six inches on all sides beyond such appliances, provided that such appliances with legs that provide an open space of not less than four inches below the bottom of the appliance may be set on sheet metal or other approved noncombustible material.

§ 50-244. Clearances.

No such appliance shall be placed within 12 inches of a wood stud partition, a wood-furred wall or combustible material, provided that such clearance may be reduced to not less than six inches if the appliance is properly protected by a shield of metal or other approved noncombustible material.

ARTICLE LXV
Oil-Burning Equipment

§ 50-245. Definition.

The words "oil-burning equipment" shall mean any device designed and arranged for the purpose of burning or preparing to burn fuel, range or other oils and all equipment connected thereto, including internal and external supply or storage tanks, piping, wiring and all accessories.

§ 50-246. Regulations. [Amended 4-9-1962 by Ord. No. 523, approved 4-9-1962]

The installation, erection, enlargement or repairing of oil-burning equipment and the storage and use of fuel, range or other oils in connection therewith shall be subject to the inspection and approval of the Building Inspector and shall conform to the Standard of the National Board of Fire Underwriters for the Installation of Oil Burning Equipment as recommended by the National Fire Protection Association, effective June 1961, as it may be amended.

ARTICLE LXVI
Air-Conditioning and Warm-Air Heating Systems

§ 50-247. Applicability.

The regulations of this Article shall apply to air duct systems such as are used for heating, ventilating or cooling or any combination of these functions.

§ 50-248. Standard practices observed. [Amended 4-9-1962 by Ord. No. 523, approved 4-9-1962]

Heat-producing appliances and systems (including incinerators) shall be installed in accordance with standard practices for safe installation and use without danger of overheating combustible material or construction. Ventilating, air-conditioning, blower and exhaust systems shall be installed in accordance with standard practice for safe installation and use, with all features presenting a possibility of starting or spreading a fire being safeguarded to a reasonable degree. Installation of such appliances and systems

in accordance with the Code for Heat Producing Appliances, Heating, Ventilating, Air Conditioning, Blower and Exhaust Systems recommended by the National Board of Fire Underwriters shall be deemed to be the standard practice for safe installation and use.

Part 12
Precautions During Building Operations

ARTICLE LXVII
Storage of Materials

§ 50-249. Storage within buildings.

Materials or equipment needed in a building operation shall be so placed that they will not load any part of the construction in excess of the weights for which it was designed, nor interfere with the safe prosecution of the work.

§ 50-250. Storage outside buildings.

Materials or equipment needed in a building operation shall not be stored within street lines except by special permission of the Highway Department and of the Building Inspector and under such conditions as they may impose.

ARTICLE LXVIII
Protection of Public and Workmen

§ 50-251. Sidewalk sheds.

Whenever, in the opinion of the Building Inspector, the erection and maintenance of a sidewalk shed is necessary for the protection of the public during the erection or demolition of a building, the owner or the person doing or causing such work to be done shall erect and maintain during such work a substantial sidewalk shed over the sidewalk or temporary sidewalk in front of the building.

§ 50-252. Scaffolds.

All scaffolds shall be so constructed and supported and of sufficient width as to ensure the safety of persons working thereon or passing under or near them.

ARTICLE LXIX
Disposal of Waste

§ 50-253. Storage and accumulation.

Waste material and rubbish shall not be stored or allowed to accumulate within the building or in the immediate vicinity, but shall be disposed of or removed from the premises as rapidly as possible. Dry materials or rubbish shall be wetted down, if necessary, to lay dust or prevent being blown about.

§ 50-254. Disposal within fire limits.

Within the fire limits, combustible waste and rubbish shall not be disposed of by burning

on the premises or in the immediate vicinity but shall be removed from the premises daily.

ARTICLE LXX
Adjoining Skylights and Roofs

§ 50-255. Protection of adjoining skylights and roofs.

When a building is to be carried above the roof of an adjoining building, protection for the skylights and roof of such adjoining building shall be provided by the person constructing or causing the construction, provided that if the owner, lessee or tenant of the adjoining building should refuse permission to have the roofs and skylights protected, the responsibility for necessary protection shall devolve upon the person refusing this permission.

ARTICLE LXXI
Sanitation

§ 50-256. Toilets.

Until permanent provision is made, suitable and adequate temporary toilet facilities shall be provided during the erection, alteration or repair of a building.

§ 50-257. Water.

An adequate supply of pure, cool drinking water shall be provided for workers during hours of employment.

Part 13
Display Signs

ARTICLE LXXII
Applicability

§ 50-258. General applicability; purpose.

A. The provisions of this Part 13 shall apply to all display signs, subject to the express exceptions of this Article.

B. For the purposes of this Part 13, "display sign" shall mean a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, and includes signs, screens and similar advertising painted on or attached to structures.[15]

§ 50-259. New display signs. [16]

No display sign shall hereafter be painted on, erected or attached to, suspended from or supported on a building or structure except in accordance with the requirements of this

15. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

16. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Part 13.

§ 50-260. Existing display signs.

Nothing in this Part 13 shall require the removal or discontinuance of a legally existing display sign that is not altered, rebuilt, enlarged, extended or relocated.

§ 50-261. Alterations.

No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in accordance with the requirements of this Part 13, provided that the changing of movable parts of signs that are designed for changes or the repainting of display matter shall not be deemed to be alterations or rebuilding within the meaning of this Article.

§ 50-262. Exceptions.

The provisions of this Part 13 shall not apply to those signs for which express provision is made within residence districts in the Narberth Zoning Ordinance,[17] nor to such signs within whatever zoning district they may be located; such provisions shall not apply to wall signs not exceeding two square feet in area, nor to street signs and signs for traffic control erected by the borough or other governmental unit.

ARTICLE LXXIII
Permits [18]

§ 50-263. Permit required; application for permit.

No display sign shall hereafter be painted on, erected or attached to, suspended from or supported on a building or structure, and no display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated, until a permit for the same shall have been obtained. Applications for such permits shall be made in writing to the Building Inspector and shall present full particulars as to size, shape, material, supports, location and height above the sidewalk, together with the written consent of the owner of the property on which the sign is to be located.

ARTICLE LXXIV
Construction

§ 50-264. Wall signs.

Display signs placed against the exterior walls of buildings shall not extend more than 10 inches outside the wall surface. Such signs shall not exceed 40 square feet in area. They shall not extend beyond the ends of the wall surface on which they are placed nor above the top of such wall.

§ 50-265. Projecting signs.

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17. **Editor's Note: See Ch. 124, Zoning.**

18. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Display signs fastened to, suspended from or supported by a building or structure so as to project therefrom at an angle shall not extend beyond the street line. Such signs shall not exceed 40 square feet in area.

§ 50-266. Billboards.

Display signs such as billboards shall not be permitted.

§ 50-267. Roof signs.

No display sign shall be erected above any building or structure.

§ 50-268. Location.

No display sign and no braces or chains supporting or staying such sign shall be so placed as to obstruct or interfere with a required window, doorway, fire escape or other required means of light, ventilation or egress. On a corner lot, no display sign shall be so located as to cause danger to traffic by obscuring the view.

§ 50-269. Stability.

Display signs shall be so constructed that they will withstand a wind pressure of at least 30 pounds per square foot of surface and will be otherwise structurally safe. Such signs shall be securely anchored or otherwise fastened, suspended or supported so that they will not be a menace to persons or property.

Part 14
Energy Conservation

ARTICLE LXXV
Building Materials and Techniques for Energy Conservation
[Added 8-10-1981 by Ord. No. 713, approved 8-10-1981]

§ 50-270. Applicability.

The following regulations shall apply to all structures defined as "Use Group R-3 Structures" in Act 222 of 1980, known as the "Building Energy Conservation Act of the Commonwealth of Pennsylvania."[19] Such structures as referred to in the Narberth Zoning Ordinance (Ordinance No. 343, as amended)[20] would include all buildings arranged for the use of one- or two-family dwelling units in the various residential districts or the Commercial District. In addition, the regulations would apply to all apartment construction in any of the residential or commercial districts whenever each unit has its own individual and self-supporting heating, ventilating and air-conditioning systems.

§ 50-271. Temperature regulation.

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19. **Editor's Note: See 35 P.S. § 7201.101 et seq.**

20. **Editor's Note: See Ch. 124, Zoning.**

A. In all buildings and structures referred to in § 50-270, at least one thermostat for regulation of space temperature shall be provided for each separate heating, ventilating and air-conditioning system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating or cooling input to each zone or floor, excluding unheated or uncooled basements and garages.

B. In all buildings and structures, or portions thereof as referred to in § 50-270, the thermostat, or an alternate means such as a switch or a clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during periods of nonuse or reduced need.

§ 50-272. Determination of energy consumed.

In all multifamily dwellings, including buildings and structures referred to in § 50-270, provisions shall be made to determine the electrical energy consumed by each tenant.

§ 50-273. Alternative systems; borough approval not required.

For all buildings and structures referred to in § 50-270, alternate building systems and equipment design which satisfy the criteria of Subchapter I of Act 222 of 1980 shall not require the approval of the borough, but the use of such alternate building system or equipment design shall be indicated in the warranty provided in Section 306 of Act 222 of 1980.

§ 50-274. Minimum insulation standards.

Except as provided in Section 237 of Act 222 of 1980, buildings and structures referred to in § 50-270 above shall be constructed utilizing the following minimum insulation standards as contained in Act 222 of 1980: ceilings, R-19; exterior walls, R-13; floors over unheated basements and crawl spaces, R-11; (basements containing a furnace and/or hot-water heater may be considered heated); edge insulation for heated slabs, R-6.3; unheated slabs, R-4.2; windows, multiglazing; entrance doors, R-2.5; sliding glass doors (if applicable), multiglazing; ducts in unheated areas, R-3.

§ 50-275. Notice; warranty.

Prior to construction of any building classified in § 50-270 above, the builder shall notify the borough by certified mail of his intent to begin construction. Such notice shall include a filing fee of $5 and contain the name of the owner of the building and its location. At the time a contract for the construction of any building classified as being covered by § 50-270 above is entered into, the builder shall warrant to the owner in writing that the building shall be constructed in accordance with the provisions of this chapter and Act 222 of 1980. Such warranty shall be a document separate from the contract.

§ 50-276. Building permit to include notice of compliance.

Any building permit issued by the Borough of Narberth shall have printed upon its face notice that the provisions of this chapter and of Act 222 of 1980 must be complied with.

Chapter 57

DISORDERLY CONDUCT; NUISANCES

[HISTORY: Adopted by the Council of the Borough of Narberth 9-11-1978 by Ord. No. 679, approved 9-11-1978.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Adult uses — See Ch. 43.
Air guns and pistols — See Ch. 45.
Abandoned refrigerators — See Ch. 99.
Accumulation of rubbish and dangerous structures — See Ch. 102.
Abandoned vehicles — See Ch. 117.

§ 57-1. Unlawful acts.

"Disorderly conduct" and/or "nuisances," within the limits of the Borough of Narberth, are hereby defined as any act, work or conduct causing or tending to cause a disturbance of the peace and good order of the borough or causing or tending to cause any danger, discomfort or annoyance to the inhabitants or users of its streets and highways and other public property and shall include loafing, fighting, drunkenness, obscenity, vagrancy, begging, the making of unnecessary noises, profanity or indecent language, reckless or careless driving or any other use of vehicles by owners or occupants thereof or any such use as shall endanger the safety or interfere with the comfort and convenience of persons using or residing on the streets or highways or other public property.

§ 57-2. Enumeration of unlawful acts.

Without in any manner intending to limit or restrict the generality of the above definition of and prohibition against disorderly conduct and/or nuisances, the following are hereby declared to constitute disorderly conduct and/or nuisances:

A. The unnecessary sounding of automobile horns, sirens, bells, whistles or other warning devices. The operators of motor vehicles shall, at all times, exercise due care and foresight in their operation and shall not substitute the sounding of warnings for careful driving and the maintenance of proper control over their respective vehicles. It is not intended hereby to prohibit the use of such warning devices in emergencies or at times when in the exercise of good judgment, a prudent operator would use such devices.

B. The keeping of dogs, chickens or other animals or fowl under such conditions or in such a manner that, by barking, crowing or otherwise, they disturb the peace and quiet of the immediate neighborhood or cause or tend to cause any danger, discomfort or annoyance to the inhabitants or users of its streets and highways or

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1. **Editor's Note: This ordinance also repealed Ord. No. 302, adopted and approved 9-10-1934.**

other public property.[2]

C. The operation of amplification devices, radios, victrolas or other mechanical, electrical or electronic instruments in a manner and at a time which is generally considered to be inappropriate and which unnecessarily disturbs the peace and quiet of the immediate neighborhood.

D. The loading, unloading and delivery of coal and other materials, merchandise or commercial products at a time of the day or night which necessarily disturbs the peace and quiet of the immediate neighborhood.

E. The discharging on or across the streets, highways or other public property of air guns, spring guns, rifles or firearms of any kind or character whatsoever.[3]

F. Loafing, loitering, idling or lounging in or about any place or facility, but not including the presence of any person in such place in the course of using it for the purpose for which it exists.

G. Acting in and about the streets or other public places of the borough in a noisy, loud, boisterous and unseemly manner or in such manner as to disturb the peace and quiet of the community.

H. Resisting or interfering with police officers, fire police or firemen in the performance of their duties.

I. Violation or refusal to obey rules and regulations established by ordinance, resolution or decree of the Mayor, Borough Council or other boards or commissions created by Borough Council with respect to the use of public buildings, playgrounds or other public areas.

§ 57-3. Violations and penalties.

Any person or persons violating this chapter or causing or helping others to violate it shall be subject, upon conviction thereof, to a fine not to exceed $300 for each offense or to imprisonment for a period not exceeding 30 days, or both such fine and imprisonment.

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2. **Editor's Note: For general regulations pertaining to dogs, see Ch. 59, Dogs.**

3. **Editor's Note: For additional regulations on firearms, see Ch. 45, Air Guns and Pistols.**

Chapter 59

DOGS

[HISTORY: Adopted by the Council of the Borough of Narberth 11-9-1981 by Ord. No. 714, approved 11-9-1981. Amendments noted where applicable.]

GENERAL REFERENCES

Barking dogs as nuisances — See Ch. 57.

§ 59-1. Running at large.

It shall be unlawful for the owner of any dog to permit it to run at large at any time.

§ 59-2. Damage or destruction to property.

It shall be unlawful for the owner of any dog to permit it to damage or destroy property, including other animals, lawns, flower and vegetable gardens, plants and shrubbery.

§ 59-3. Soiling or defiling property.

It shall be unlawful for any person owning, harboring, keeping or in charge of any dog to cause or allow such dog to soil, defile or defecate upon any other person's private property without the permission of such other person or upon any public property within the borough.

§ 59-4. Making of information; hearing.

The owners of animals or property damaged, destroyed or soiled by dogs in violation of this chapter may make information before any District Justice in the Borough of Narberth, who shall issue a summons for a hearing to be held within not less than three days nor more than 10 days from date of service, unless continued for cause shown.

§ 59-5. Violations and penalties.

Any person, firm or corporation violating the provisions of this chapter shall be liable to a fine of not more than $300 and costs of prosecution or to undergo imprisonment not exceeding 30 days, or both.

§ 59-6. Repealer.

All ordinances or parts of ordinances inconsistent herewith, and specifically Ordinance No. 367, approved the 12th day of April 1943, are hereby repealed.

Chapter 61

DRIVEWAYS AND OTHER ACCESS CONNECTIONS

[HISTORY: Adopted by the Council of the Borough of Narberth 4-14-1980 by Ord. No. 697, approved 4-14-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 50.
Streets and sidewalks — See Ch. 112.
Zoning — See Ch. 124.

§ 61-1. Purpose.

The purpose of this chapter is to protect the health, welfare and safety of the borough and its citizens by properly regulating the construction, alteration, repair and removal of driveways and other traffic ways connecting to the roads in the borough; to ensure that they will not produce traffic congestion, unsafe traffic conditions within the borough or damage to highways and sidewalks in the borough; and to ensure that their construction and/or alteration and the construction and/or alteration of the lands and facilities they serve shall not cause an undue increase in the stormwater flows in the highway gutters or storm drainage systems in the borough.

§ 61-2. Definitions.

Wherever in this chapter the following abbreviations, words, expressions or pronouns used in their stead occur, they shall have the meanings given herein:

ACCESS CONNECTION — Any roadway facility by means of which vehicles can enter or leave a highway or private way. Included are highway intersections, driveways and similar works.

ALTERATION — Work on an existing facility, including repairs which will change the configuration, size or area of the facility or the structures and area served by the facility, or the structures and area served by the facility.

CALENDAR DAY — Every day shown on the calendar.

COMMERCIAL PROPERTY — Any parcels of property that are not used exclusively for residential purposes, including properties used for both residential and nonresidential uses.

CONSTRUCTION — Work that will create a new facility where such a facility does not exist.

CURB — The vertical or sloped edging structure located along the edge of the traveled way of a highway or private way.

DRIVEWAY — A private roadway, other than a private way, serving one or more parcels of property.

FORM 408 — The latest revision of specifications issued by PennDot.

HIGHWAY — The entire area between the right-of-way lines of all public roads as established by ordinances of and/or acceptance by the borough, by court decree or similar acts.

PENNDOT — The Pennsylvania Department of Transportation.

PRIVATE WAY — The entire area between the limits of easement or common ownership lines of any road that is not a highway or driveway but which serves more than two parcels of property with common rights of access over the way.

REMOVAL — Work on an existing facility to discontinue its use and including restoration of the curbs, sidewalks and grass strips within the highway.

REPAIR — Work on an existing facility to restore and/or maintain the facility without materially changing its configuration, size or area or the structures served by the facility.

RESIDENTIAL PROPERTY — Any parcel of property containing structures used for residential purposes only.

RIGHT-OF-WAY — The area which has been secured and reserved by the borough for highway purposes.

ROAD — A general term denoting a way for purposes of vehicular travel.

ROADWAY — That portion of a highway or private way between the faces of curbs, outside edges of shoulders and gutters or a combination thereof that is used for vehicular travel or parking.

SIDEWALK — That portion of the highway primarily constructed for the use of pedestrians.

§ 61-3. Permit required; compliance with provisions.

No person or party shall construct, alter, repair or remove or cause to be constructed, altered, repaired or removed any highway access or driveway unless he shall have first applied for and obtained a permit to do so in the manner prescribed below in this chapter. All work necessary for and incidental to the construction, alteration and removal that does or will lie within a highway and/or the limits of existing or proposed sidewalks, including those portions of said sidewalks that may be beyond the limits of the highway, shall be performed in the manner prescribed below in this chapter.

§ 61-4. Types of access connections.

For purposes of this chapter, access connections shall be divided into four classifications as follows:

A. Highway-to-highway connections: These include any and all intersections of

existing borough highways. Highway-to-highway connections are exempt from the requirements of this chapter.

B. Road-to-highway connections: These include any and all intersections of new roads to highways or of private ways to existing highways.

C. Class A driveway connections: These are any and all driveways that connect to a highway or private way and which serve one of the following: commercial properties, more than two residential properties, a residential property whose structures house more than 16 families or a parcel or parcels of land whose total area exceeds 1 1/2 acres.

D. Class B driveway: These are any and all driveways that connect to a highway or private way, serve residential or agricultural properties and do qualify as Class A driveways as defined above.

§ 61-5. Contents of permit applications.

All applications for permits for the repair, alteration, removal or construction of an access connection shall be submitted on an approved application form and shall give the following information:

A. Location of the connection.

B. Type of connection.

C. Type of work to be performed.

D. Owner or owners of the properties to be served.

E. The type and area of the properties to be served.

F. Square footage of area to be paved, area to be left unpaved and area to be built upon.

G. The estimated cost of the work to be performed within the limits of any highway.

H. The person or party who will perform the work.

I. An affidavit signed by the person who will perform the work that all work will be done in accordance with this chapter and applicable to borough standards.

J. Proposed start of construction and total estimated time of construction.

§ 61-6. Plan and profile required in certain cases; contents.

In addition to the requirements of § 61-5 above, all applications for the alteration or construction of a road-to-highway access connection or a Class A driveway shall be accompanied by a plan and profile of the proposed connection and a plan of the entire lands that it will serve. The plans and profile shall be prepared by a person or persons duly qualified to do so under the laws of the commonwealth.

A. The plan shall contain the following:

(1) The limits of the lands to be served by the facility.

(2) The total areas of the lands to be served by the facility.

(3) Existing and proposed contours of the lands to be served by the facility.

(4) All proposed and anticipated improvements to be made and structures to be constructed on the lands to be served by the facility.

(5) A sketch showing present and anticipated vehicular traffic past and in and out of the facility. Traffic data shall include average daily traffic and morning and evening peak-hour traffic. It shall also include data as to the capacity of adjacent intersections.

(6) Horizontal and vertical sight distances at the proposed connection.

(7) Present and anticipated stormwater flows from and through the lands served by the facilities, whenever such stormwaters do or will flow through or towards the borough at this or any other location. This data shall be given for storm frequencies of two-, five-, 10-, 25-, and 100 years.

(8) The proposed methods by which stormwaters will be collected, impounded and/or discharged from the lands served by the facility. The data shall include the size and capacities of all existing and proposed storm drainage facilities.

(9) The signature and official seal of the person who prepared the plan.

B. Where it is impractical to show all of the required traffic and drainage information on the plan, it may be submitted as a written report accompanying the plan, provided that it contains all of the required information and the signature and official seal of the person preparing the report.

§ 61-7. Permits.

A. Permits for the repair or removal of road-to-highway connections, for the repair or removal of Class A driveways and for the construction, alteration, repair or removal of Class B driveways shall be issued by the Building Inspector within seven days of receipt of the permit application, permit fee and security deposit, provided that he shall determine that the application meets all the requirements of this chapter and other applicable laws, ordinances, rules and regulations of the borough and the commonwealth. Otherwise, the application shall be denied and the applicant advised of the reason for denial.

B. Permit applications for the construction or alteration of road-to-highway connections and Class A driveways shall be approved by the Building Inspector within 60 days of receipt of the permit application and permit fee, provided that after review of the application by the Highway Committee of the Borough Council, the Borough Council shall have, at a proper meeting by majority vote, determined that the application meets all requirements of this chapter and other applicable laws, ordinances, rules and regulations of the borough and the commonwealth and that the proposed work will not be injurious to the health, safety and welfare of the

borough or its citizens. Otherwise, the application shall be denied and the applicant advised of the reason for denial. Should the Highway Committee of Borough Council or Borough Council determine that a technical review of the application is advisable, it shall retain a person or persons who are duly qualified under the laws of the commonwealth to make the review on its behalf.

C. The applicant shall reimburse the borough for actual cost of the technical review, plus normal administration costs, if the application is approved or disapproved. After an application has been approved, the applicant shall furnish to the borough the required security deposit or bond after which the Building Inspector shall issue a permit for the work. Work shall begin within 30 days of issuance of the permit or the permit shall become void.

§ 61-8. Construction requirements.

All work necessary for the construction, alteration, repair and/or removal of any access connection within the limits of the highway and/or the limits of the existing and proposed sidewalks, including those portions of said sidewalks that may be beyond the limits of the highway, shall be constructed in accordance with the lines, grades and details on the approved application plans and the following requirements:

A. Barricades. Suitable barricades and other warning devices shall be erected around and through the work site as are necessary to protect motorists, pedestrians and abutters from injury and undue inconvenience and as required by law.

B. Excavation. All excavation shall be performed in accordance with Section 104.07 and 203 of Form 408, with the following additional requirements:

(1) Excavation material shall not be stored within the limits of any highway.

(2) Any and all existing stone or granite curb, drainage pipes and casting, guard posts, guardrails and signs and signposts within the work site, which are to be removed and will not be incorporated in the finished work, shall carefully be removed, delivered and properly stacked at a location within the borough designated by the Borough Manager, except such of the above as the Borough Manager shall determine are of no use or value to the borough.

(3) Any materials damaged during the removal, delivery and staking shall be replaced with material of like kind by the permittee.

C. Parking meters. Any existing parking meters and posts that must be removed and/or relocated due to the work will be removed or relocated by the borough. The permittee shall reimburse the borough for the actual cost of the work, plus normal administrative costs.

D. Roadway pavement. All new roadways within the limits of the highway, including patches of existing pavements, shall be in accordance with the following:

(1) Subgrade shall be 16 1/2 inches below the finished roadway grade and shall be prepared in accordance with Section 210 of Form 408.

(2) The total depth of subbase and the base course shall be 14 inches. The subbase shall be constructed in accordance with Section 350 of Form 408. The base course shall be either a seven-inch-thick plain cement concrete base course constructed in accordance with Section 301 of Form 408 or a five-inch-thick bituminous concrete base course constructed in accordance with Section 305 of Form 408.

(3) The finished pavement shall consist of a one-inch-thick bituminous concrete wearing course, ID-2 constructed in accordance with Sections 401, 420 and 421 of Form 408.

E. Curbs. All curbs for new construction shall be Type AV granite curb constructed in accordance with Section 634 of Form 408 or concrete curb construction in accordance with the appropriate section of Form 408. Existing granite curb encountered at the work location may be reused. It shall be reset in accordance with Section 637 of Form 408. Existing curbs may be repaired in kind.

F. Sidewalks and driveways. All driveways within the limit of the highway and all sidewalks shall be cement concrete sidewalks constructed in accordance with Section 676 of Form 408, with the following additional requirements:

(1) For Class B driveways, including the sidewalk portion thereof, the foundation shall be 10 inches below the finished surface, and the aggregate bed and the concrete shall each be five inches in depth.

(2) For Class A driveways, including the sidewalk portion thereof, the foundation shall be 14 inches below the finished surface, the aggregate bed shall be eight inches in depth, and the cement concrete shall be six inches in depth and shall be reinforced at its center with six-inch-by-six-inch No. 6 steel wire fabric conforming to Subsection 709.3 of Form 408.

G. Cleanup and roadside development. Upon completion of the work, all areas within the highway shall be left in a neat and clean condition. All nonpaved areas within the highway that were disturbed in any way as a result of the work shall be dressed and shaped, topsoiled to a depth of not less than four inches and sodded in accordance with Sections 802, 803, and 809 of Form 408.

H. Incidental work. All other work incidental to or required to complete the access continuation, including but not limited to alteration and construction of storm drainage systems, sanitary sewers, guardrails and signs, shall be done in accordance with the applicable requirements of Form 408 and standards of the borough.

§ 61-9. Permit fees.

All permit applications shall be accompanied by the appropriate fees in accordance with the following schedule:

A. Construction or alteration of a road-to-highway access or a Class A driveway: $50 for each acre of ground or portion thereof served by the access connection.

B. Construction or alteration of a Class B driveway: $25.

C. Repair or removal of a road-to-highway connection or a Class A driveway: $25.

D. Repair or removal of a Class B driveway: $10.

§ 61-10. Security deposit or bond.

Before a permit for the construction, alteration, repair or removal of an access connection, except Class B driveways, is issued, the applicant shall furnish to the Building Inspector a security deposit or bond in an amount equal to the estimated cost of that portion of the work that is within the highway. The security deposit or bond will be returned to the permittee after the Building Inspector has determined that all work within the highway has been satisfactorily completed.

§ 61-11. Action by borough upon noncompliance.

Should an access connection be constructed or altered within the borough in violation of the requirements of this chapter, the Borough Council may order it to be closed to traffic and/or direct the owners of the property served to file a proper permit application. After receipt of the application, it shall be approved or denied in accordance with the provisions of § 61-7 of this chapter. If the application is denied, the person or persons who caused the access connection to be constructed or altered shall restore the highway or private way to the condition that existed prior to the start of the work and shall remove any other offending portions of the work as the Building Inspector may direct. Should the offending party fail to close and/or restore an improper access connection, the borough shall do so and the offending party shall reimburse the borough for the cost thereof, including normal administrative costs.

§ 61-12. Abandonment of work.

Should any work on an access connection with the highway be discontinued for more than five calendar days for reasons other than strikes, civil emergencies, inclement weather or other reasons considered to be valid by the Building Inspector, the work shall be considered abandoned. If the work is abandoned, the borough may complete the work to the limit of the highway or the sidewalk and use for payment of same the security deposit or bond.

§ 61-13. Costs incurred to constitute lien.

Any costs incurred by the borough in processing a permit application or doing other work in accordance with this chapter shall be a lien against the properties served by the access connection.

§ 61-14. Violations and penalties.

Any person or party who violates this chapter shall be subject to a fine of $300 and/or 30 days in jail. Each calendar day that the violation exists shall be a separate offense.

§ 61-15. Conflicts with other legislation.

The definitions given in § 61-2 of this chapter shall apply to this chapter only and shall not be construed as applied to any other ordinance of the borough. Should there be any conflicts between the provisions of this chapter and either the Zoning Ordinance or Building Code Ordinance, in those particulars the Zoning or Building Code Ordinances shall prevail and take precedence.

Chapter 64

ENTERTAINMENT AND EXHIBITIONS

[HISTORY: Adopted by the Council of the Borough of Narberth 5-14-1928 by Ord. No. 255, approved 5-14-1928. Section 64-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 64-1. Permit required.

From and after the passage of this chapter, there shall not be given, held or exhibited in the Borough of Narberth any fair, bazaar, lecture, motion-picture exhibition, concert, theatrical or other performance, show, display, exhibition, dance or entertainment of any kind for which a price of admission is charged unless a license or permit therefor shall have been granted by the Mayor at his discretion.

§ 64-2. Rates and charges; exemptions.

The rates therefor shall be $1 for any one fair, bazaar, lecture, motion-picture exhibition, concert, theatrical or other performance, show, display, exhibition, dance or entertainment; $10 for all such performances or entertainments held in any one week; or $100 for those held in any one calendar year; provided, however, that the Mayor may, in his discretion, issue licenses and permits without payment of a fee for entertainments for religious, charitable or educational purposes.

§ 64-3. Violations and penalties. [1]

The penalty for each violation of any of the provisions and requirements of this chapter shall be a fine of not more than $300 and costs of prosecution or imprisonment in the county prison for not more than 30 days, or both such fine and imprisonment.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Ordinance No. 843

I. THE NARBERTH BOROUGH CODE, CHAPTER 67, ENTITLED FIRE PREVENTION IS HEREBY REPEALED IN ITS ENTIRETY AND A NEW CHAPTER 67, ENTITLED FIRE PREVENTION CODE, IS HEREBY ENACTED AS FOLLOWS:

FIRE PREVENTION CODE
CHAPTER 67

Article I
Definitions, Adoption of Standards and General Regulations

§67-1 Definitions.

As used in this chapter and in the Fire Prevention Code adopted herein, the following terms shall have the meanings indicated:

APPROVED RATING BUREAU - An insurance inspection bureau, department or organization, including the American Insurance Association, Factory Insurance Association, Associated Factory Mutual Fire Insurance Companies, Insurance Services Offices of Pennsylvania, and any other such organization hereafter duly approved by resolution of the Borough Council.

BASEMENT - A story, partially underground, the greater part of which is above grade. A basement shall be counted as a story unless otherwise specifically stated, but shall exclude any crawl space.

BOCA - The National Fire Prevention Code of 1990, recommended by the Building Officials and Code Administrators International, Inc.

BOROUGH COUNCIL - The elected government body of the Borough of Narberth.

BOROUGH MANAGER - The chief operating officer of the Borough of Narberth as appointed by the Narberth Borough Council. The office of Borough Manager shall also encompass the roles of Zoning Officer, Code Enforcement Officer and Building Officer.

CELLAR - A story of which one-half (1/2) or more is below grade.

DIVIDED - A subdivision within a building which separates the building into two (2) or more sections with fire walls having a (4) four - hour rating, and with all openings in such walls protected with Underwriters' Laboratories listed Class A fire doors.

FIRE CHIEF - Chief of the Narberth Fire Department.

FIRE MARSHAL - The person, appointed by Borough Council, to primarily enforce the Fire Prevention Code of the Borough of Narberth. The term also includes the Fire Chief or Deputy Fire Marshal when acting in the absence of the Fire Marshal or at his discretion.

HIGH HAZARD OCCUPANCY BUILDING - A building or structure used for the storage, manufacture or processing of highly combustible or explosive products or materials which are likely to burn with extreme rapidity or which may produce poisonous fumes or explosions; storage or manufacture involving highly corrosive, toxic or noxious alkalies, acids or other liquid or chemicals involving flame, fumes or explosive, poisonous, irritant or corrosive gases; and the storage or processing of any materials involving explosive mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition.

HIGH-RISE BUILDING - A building having floors used for human occupancy located more than six (6) stories or seventy-five (75) feet above the lowest level of Fire Department vehicle access.

LOW-RISE BUILDING- A building, any part of which exceeds three (3) stories in height and not covered in the high-rise definition.

MAJOR KITCHEN - A kitchen with an area of five hundred (500) square feet or more in any building except a single family or a two family dwelling.

NFPA No. 101 - The Life Safety Code No. 101 of 1994 recommended by the National Fire Protection Association.

NFPA NO. 10. - The Standard of the National Fire Protection Association for the Installation, Maintenance, and Use of Portable Fire Extinguishers.

NFPA NO. 13 - The Standard of the National Fire Protection Association for the Installation of Sprinkler Systems.

NFPA NO. 13A - The Standard of the National Fire Protection Association for the Care and Maintenance of Sprinkler

Systems.

NFPA NO. 13D - The Standard of the National Fire Protection Association for the Installation of Residential Sprinkler Systems.

NFPA No. 14 - The Standard of the National Fire Protection Association for the Installation of Standpipe and Hose Systems.

NFPA No. 58 - The Standard of the National Fire Protection Association for the Storage and Handling of Liquified Petroleum Gases.

NFPA No. 96 - The Standard of the National Fire Protection Association for the Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment.

PERSON - Any natural person, association, partnership, firm or corporation.

PUBLIC SAFETY COMMITTEE - The group of Borough councilmembers appointed to oversee and regulate Public Safety Issues.

SUBSTANTIALLY ALTERED - Any change in or addition to the supporting or structural members of a building such as the bearing walls, partitions, columns, beams or girders, or any change which would convert an existing building into a different structure or adopt it to a different use or occupancy. It shall not include repairs to roofs, walls, painting, moving or constructing of non-loadbearing partitions or repairs to HVAC equipment. Any structural change increasing the square footage of a building by 20% or more is considered a substantial alteration.

U.L. No. 300 - The Standard of Underwriters Laboratories' Inc., for commercial kitchen hood cooking equipment and exhaust duct systems.

§67-2 Adoption of National Standards

The Narberth Borough Council hereby adopts by reference, for purposes of prescribing regulations governing conditions hazardous to life and property from fire and explosion the following national standards:

BOCA National Fire Prevention Code of 1990.

NFPA Life Safety Code No. 101 of 1994.

NFPA No. 10, relating to installation, maintenance and use of portable fire extinguishers.

NFPA No. 13, relating to the installation of sprinkler systems.

NFPA No. 13A, relating to the care and maintenance of sprinkler systems.

NFPA No. 13D, relating to the installation of residential sprinkler systems.

NFPA No. 14, relating to the installation of stand pipe and hose systems.

NFPA No. 58; relating to liquified petroleum gases, storage and handling.

NFPA No. 96, relating to the installation of equipment for the removal of smoke and grease ladened vapors from commercial cooking equipment.

Pennsylvania State Police regulations for the storage, handling and use of flammable and combustible liquids.

U.L. No. 300, relating to commercial kitchen hood cooking equipment and exhaust duct systems.

No less than three (3) copies of each of the above referenced National Standards which are hereby made part of the Fire Prevention Code of the Borough of Narberth shall be maintained in the office of the Borough Manager, and the same are hereby adopted and incorporated as fully as if set out at length herein. Said National Standards adopted by reference herein shall be made available to any interested party at cost thereof, or may be furnished or loaned without charge upon written request. From the date on which this chapter shall take effect, as provided by law, the provisions of the Fire Prevention Code shall be controlling within the limits of the Borough of Narberth.

§67-3 Conflicting Regulations

The provisions of this Chapter shall be deemed to supplement any and all laws of the Commonwealth of Pennsylvania and ordinances of the Borough of Narberth relating to buildings, structures and fire prevention and all rules and regulations adopted thereunder. Provided, however, that where this chapter imposes different or greater restrictions than those imposed in Chapter 50 of the Code of the Borough of

Narberth, knows as the "Narberth Building Code of 1942" and any rules or regulations imposed thereunder, then the provisions of this Fire Prevention Code shall control.

§67-4 Amendments to National Standards

Section 5-2.1.5 of NFPA No. 101 (1994), as it applies to buildings other than single family dwellings and two family dwellings, is hereby amended in its entirety to read as follows:

5-2.1.5 Locks, Latches, Alarm and Releasing Devices.

5-2.1.5.1 (1) A door shall be so arranged as to be readily-opened-from the side which egress is to be made at all times. Locks, if provided, shall not require the use of a key, tool or other device for operation from the inside of the building.

5-2.1.5.2. (2) A latch or other fastening device on an exit door shall be provided with a knob, handle, panic bar or other simple type of releasing device, the method operation of which is obvious, even in darkness.

5-2.1.5.3. (3) No lock, padlock, hasp bar, chain or other device or combination thereof shall be installed or maintained at any time on or in connection with any exit door required by this Code, if such device prevents or is intended to prevent the free use of the door for purposes of egress.

5-2.1.5.4. (4) Exit doors on fire towers, including doors at the roof level, may be locked from the stairway side of the door, if the following conditions are met:

a. The door is held in the locked position by an electrically energized fail-safe latch.

b. The electrically energized latch shall be interconnected with the building fire alarm system, which when sounded shall automatically release the power from the latches, thereby unlocking all doors.

c. If the building is equipped with an automatic sprinkler system, the automatic sprinkler system shall be interconnected with the building fire alarm system. In the event of activation of the automatic sprinkler system, the building fire alarm system shall automatically sound, which in turn shall automatically release the power from the latches, thereby unlocking all doors.

d. The emergency electrical power in the building shall not be supplied to the fail-safe latches. However, the emergency electrical power shall be supplied to the fire alarm system.

e. Electrical power to energize the fail-safe latches shall be supplied by a separate circuit without interconnection with exit signs or any other devices.

f. There shall be a safety switch, located in an area designated by the Fire Marshal, that shall cut the power to the fail-safe switches when manually operated.

5-2.1.5.5. (5) Each elevator lobby on each floor of the building shall be equipped with a sign, at least four (4) inches by four (4) inches in size, above the call buttons, that shall read as follows: "In the event of fire do not use the elevators. Use the closest stairway."

§67-5 No Open Burning

A. No person shall cause, allow, permit or maintain an outdoor bonfire, rubbish fire or the open burning of leaves, tree branches or yard trimmings on any street or on private property, whether in connection with any building operation, in an open dump or otherwise.

B. The Fire Marshal or his duly authorized representative shall have the authority to grant a variance from the positions of this section.

(1) To prevent or abate a fire hazard;

(2) For the purpose of instructing personnel in fire fighting;

(3) For the prevention and control of disease and pests;

(4) Religious/Ceremonial activities;

(5) Fires in devices, intended solely for the cooking of food.

C. Fires in devices, intended solely for the cooking of food shall be permitted, except that:

(1) No charcoal or propane fired cooking equipment shall be used on the patio or patio balcony, in any individual unit or covered common area or under any overhanging portion of a multi-family

dwelling unit in the Borough of Narberth.

(2) Charcoal, charcoal lighter fluid and/or propane shall not be stored in any multi-family dwelling in the Borough of Narberth.

(3) Charcoal or propane fired cooking units may be used in multi-family dwellings only if they are on the ground and fifteen feet from any building.

D. Burning in violation of this ordinance is subject to a minimum fine of $200.00. If a Fire Department is dispatched, the minimum fine is $300.00.

§67-6 Handling of readily combustible materials.

No person making, using, storing or having in charge or under such person's control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the premises or stored in fire-resistant enclosures with a rating of at least one (1) hour or in containers with tight-fitting covers.

§67-7 Storage and use of explosives and blasting agents.

A. The storage of explosives and blasting agents in the Borough of Narberth is hereby prohibited.

B. All blasting operations in the Borough of Narberth shall be conducted by persons who are licensed by the Commonwealth of Pennsylvania.

C. The Fire Marshal shall be notified prior to the first blast of each day, and all such blasts shall be supervised by the Fire Marshal, whose services shall be paid for by the licensed operator to the Borough of Narberth in accordance with a fee schedule to be adopted from time to time by resolution of the Narberth Borough Council upon recommendation of the Council's Public Safety Committee.

§67-8 Storage of flammable liquids.

The storage of flammable liquids will be in compliance with the BOCA National Fire Prevention Code, and the Pennsylvania State Police Regulations for the Storage, Handling and Use of Flammable and Combustible Liquids.

§67-9 Bulk Storage and Use of Liquified Petroleum Gases.

A. The bulk storage of liquified petroleum gases will be in compliance with BOCA.

B. All use of liquified petroleum gas shall comply with the NFPA No. 58, Liquified Petroleum Gases, Storage and Handling.

§67-10 Building Numbers Required - Enforcement

A. On and after the effective date of this chapter, it shall be the duty of the owner or occupant of every residence or other building in the Borough of Narberth to cause the same to be posted with street numbers. The Borough Manager, after consultation with the United States Post Office, shall be charged with the duty of assigning numbers to all houses and other buildings in the Borough. The remaining provisions of this chapter shall be enforced by the Fire Marshal.

B. The owner or occupant shall cause the street number so assigned to be posted conspicuously on the street side of the house or building or on the entrance gatepost or beside the driveway, in such a manner that it will be visible and legible from the street, using arabic numerals which are a minimum of three inches in height.

C. Any person, who shall number any house or building contrary to the provisions of this chapter or the instructions of the Fire Marshal or who shall fail or neglect to number a house or building within thirty (30) days after receipt of written notice so to do from the Fire Marshal shall be subject to a fine or penalty not in excess of twenty-five dollars ($25.), such fine or penalty to be collected before any District Justice as like fines or penalties are now by law collectible.

§67-11 Restaurants. General Requirements.

A. All institutional, school and commercial kitchen hood cooking equipment and exhaust duct systems shall be protected against grease fires by a pressure-operated

system complying with U.L. No. 300 and installed as per NFPA No. 96, "The Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment".

B. The exhaust fan in the said duct system shall be either automatically turned off when the system is activated or allowed to continue operating in accordance with the recommendation of the manufacturer and approval of the Fire Marshal.

C. The operation of any extinguishing system shall automatically shut off all sources of fuel and heat to all cooking equipment except for the fuel supply to provide gas pilots. A manual operation shall be required to re-establish the fuel or heat supply. When gaseous fuels are used, a permanent notice shall be posted at the reset device cautioning the operator to shut off the gas at all appliances before resetting the device.

D. Permits - A permit shall be required from the Borough Manager before the installation, addition or alterations of any automatic kitchen protection.

E. Approval of Plans - Detailed plans of the automatic kitchen protection installation shall be submitted to and approved in writing by the Fire Marshal. Nothing contained herein shall be construed to prevent the installation of other types of automatic fire protection restaurant equipment than as specified herein, when such equipment is approved by the Fire Marshal.

F. Inspection, Maintenance and Tests. The standard for the installation of equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment NFPA No. 96, shall be followed for the inspection, maintenance and testing of equipment.

G. General Information. On matters not detailed in this section pertaining to restaurant fire protection, all equipment installed, altered or extended shall be in conformance with the Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment of the NFPA No. 96.

§67-12 High Rise Buildings.

A. Definitions. As used in this section, the term HIGH RISE BUILDING shall have the meaning set forth in §67-1 and the following terms shall have the meanings indicated:

NEW BUILDING - Any structure erected after the adoption of this code, or one which is not defined as an existing building.

EXISTING BUILDING - Any structure erected prior to the adoption of this code, or one for which a legal building permit has been issued.

B. Application.

(1) New high-rise building shall conform to the Basic Building Code published by the Building Officials and Code Administrators (BOCA) International, Inc., currently adopted, and all applicable provisions of this Chapter.

(2) Existing high-rise buildings shall conform to the provisions of this Chapter. Plans for compliance with this requirement must be submitted for approval to the Public Safety Committee of the Narberth Borough Council within one (1) year of the effective date of this Fire Prevention Code.

C. Exit Requirements.

(1) In all high-rise buildings, there shall be not less than two (2) approved independent exitways serving every story.

(a) Exception No. 1. Any living unit which has an exit directly to the street or yard at ground level or by way of an outside stairway, or an enclosed stairway with fire resistive rating of one (1) hour or more serving that apartment only and not communicating with any floor below the level of exit discharge or other area not a part of the occupancy served, may have a single exit.

(b) Exception No. 2. A building with not more than four (4) living units per floor with a smoke-proof tower, as defined in 5-2.3 of the Life Safety Code, NFPA #101, as the exit, immediately accessible to all living units served thereby, may have a single exit. (Immediately accessible means there is not more than twenty (20) feet of travel distance

from the entrance door of any unit to the exit.)

(c) Exception No. 3. One exit is permitted from existing high rise buildings provided the exit is enclosed with construction having a minimum two (2) hour fire-resistance rating with unobstructed, continuous and direct egress to a permanent unobstructed open space providing safe access to a street and the building is equipped throughout with an approved fire suppression system with an approved smoke detection system installed in the common areas.

(2) In all high rise buildings, interior exitway stairways shall be enclosed with construction having a two (2) hour fire resistance rating.

(3) In all high rise buildings, interior exitway stairways shall discharge directly to a street, alley, park, yard, court or other permanent unobstructed space open to the sky, providing safe access to the street. In existing high rise buildings, interior exitway stairways may discharge through the lobby or similar area at the level of discharge provided that:

(a) Discharge is to a free and unobstructed way to the exterior of the building which is readily visible and identifiable from the point of stairway discharge; and

(b) The floor into which the exit discharges is provided with automatic sprinkler protection and any other areas with access to the level of discharge is provided with automatic sprinkler protection or separated from it by construction having a two (2) hour fire-resistance rating.

(4) In all high-rise buildings, stairways which continue beyond the floor of discharge shall be interrupted at the floor of discharge by partitions, doors, or other effective means of preventing persons from continuing past the floor of discharge while egressing.

(5) In all high-rise buildings, emergency lighting shall be installed in all exitways.

(6) In all high-rise buildings, a sign shall be provided at each landing in all interior stairways designating the floor level above the floor of

discharge. Letters and numerals shall be a minimum of six (6) inches in height.

(7) In all high-rise buildings, locking devices on exitway stairways and fire tower doors shall be in accordance with Section 67-4 of this Fire Prevention Code.

D. Fire Alarm System.

All high-rise buildings, both new and existing, shall be equipped with a supervised annunciator type fire alarm system in accordance with the applicable occupancy chapter of NFPA No. 101 and the Fire and Panic Regulations of the Commonwealth of Pennsylvania.

Exception: Existing buildings with an approved operating supervised coded or selective code type fire alarm system. A system which, when operated, will cause sounding devices to signal a pre-determined number of strokes, which is indicative of the location of the activated alarm system, shall be considered a coded or selective code system.

E. Fire Suppression Systems.

All existing high-rise buildings shall be equipped with an approved automatic fire suppression system in the following areas:

(1) Basements.

(2) Rooms used for the storage of combustibles when the floor area of the room exceeds one hundred twenty (120) square feet.

(3) Any occupancy other than residential when located below a residential occupancy.

(4) Trash and incinerator chutes and rooms.

(5) Commercial kitchens and other special hazard areas as determined by the Fire Marshal and the Borough Manager.

(6) Assembly and mercantile occupancies as defined in the Life Safety Code, NFPA No. 101.

F. Smoke Control.

In all high-rise buildings, smoke detectors approved for duct installation shall be installed and arranged in air conditioning systems to automatically shut down the fans. Detectors shall be placed in the following

areas:

(a) At a suitable location in the return airstream prior to exhausting from the building or being diluted by outside air, and

(b) At a suitable location in the main supply duct on the downstream side of the filters, and

(c) Where required by BOCA.

(1) Automatic fan shut down shall not be required where an engineered smoke control system has been approved by the Building Officer.

G. Fire Evacuation and Training and Fire Safety Procedures.

(1) The registered owner, his agent, or designated representative responsible for the operation of all high rise buildings shall prepare and submit a fire safety plan and evacuation procedure to the Fire Department for approval.

(2) Fire Safety Plan.

(a) The fire safety plan, including a floor diagram after review and approval by the Fire Department, shall be distributed to the tenants and all building service employees.

(3) Evacuation Procedure.

(a) Evacuation procedures and review and approval by the Fire Department shall be distributed and/or posted as required by the Fire Department.

(4) Responsibility to Update Fire Safety Plan.

(a) It shall be the responsibility of the registered owner, his agent, or designated representative responsible for the operations of all high-rise buildings to promptly update the fire safety plan and evacuation procedures upon changes in occupancy, use, or physical arrangement.

§67-13 Posting of "No Parking" signs by Fire Marshal; fire lanes.

A. Whenever the Fire Marshal shall determine that the parking of motor vehicles or other obstruction upon any public or private street, lane, alley or driveway or upon any shopping center, educational institution, apartment complex or similar occupancy is liable to interfere with the operations of the Fire Department or seriously hamper egress of occupants from a building in case of fire, he shall post signs reading "NO PARKING BY ORDER OF THE FIRE MARSHAL" on each street, lane, alley or driveway or upon such shopping center, educational institution, apartment complex or similar occupancy. All such signs erected will be in accordance with PennDot signage standards.

B. The Fire Marshal is hereby given authority to adopt and enforce temporary parking regulations to cover emergencies or special conditions on any public or private street, lane, alley or driveway or on any shopping center, education institution, apartment or complex or similar occupancy if the Fire Marshal shall determine that the parking of motor vehicles is liable to interfere with the operations of the Fire Department or seriously hamper the egress of occupants from a building in case of fire. In exercising the authority provided by this subsection, the Fire Marshal shall post signs reading "NO PARKING TEMPORARY FIRE REGULATION - BY ORDER OF THE FIRE MARSHAL" on such street, lane, alley or driveway or on such shopping center, educational institution, apartment complex or similar occupancy.

C. Whenever the Fire Marshal shall determine that the parking of motor vehicles upon any public or private street, lane, alley or driveway or on any shopping center, educational institution, apartment complex or similar occupancy is liable to interfere with the operations of the Fire Department or seriously hamper the egress of occupants from buildings in case of fire and cannot be clearly indicated by appropriate no parking signage as authorized by this section, he is hereby authorized to establish fire lanes by painting lines four (4) inches in width on the roadway surface indicating the area in which parking is prohibited without posting signs reading "NO PARKING BY ORDER OF THE FIRE MARSHAL" on such street, lane, alley or driveway or on such shopping center, educational institution, apartment complex or similar occupancy. The Fire Marshal shall paint the words "fire lane" in letters three (3) feet in height on the roadway surface at intervals he deems necessary within the prohibited parking area.

D. Any person parking a motor vehicle in disregard of any sign or fire lane erected by the Fire Marshal as provided herein shall be guilty of a violation of this chapter and subject to the minimum fine of $25.00.

§67-14 Boarding up of vacant buildings.

The owner of any building or structure shall, whenever, the same becomes vacant or unoccupied, remove therefrom all papers or other combustible waste accumulated therein or upon any part of the premises. All doors, windows or other openings into such buildings or structures shall be kept closed and locked while the same remain unoccupied. In the event that windows, doors or other openings are broken, they shall be immediately replaced or boarded up in such a manner that will prevent entrance by the public.

Article II
Fire Protection Equipment

§67-15 Automatic Sprinkler Equipment.

Automatic sprinkler equipment shall be installed and maintained throughout buildings of the types set forth below which are hereinafter erected, converted (including a change of occupancy use) or substantially altered, as defined in §67.1 of this code and buildings where 50% or more of the interior walls and/or partitions are removed during remodeling.

(1) All new construction except single family detached and single family semi-detached dwellings located within the Borough will be equipped with full sprinkler systems.

a. Exception: If a single family detached or single family semi-detached dwelling is constructed with wooden truss floors or roof supports the structure must be sprinklered.

b. When a dwelling not requiring automatic sprinkler equipment under this code is constructed, the builder must offer a residential sprinkler system as an option.

(2) High-hazard occupancy buildings.

(3) Hospitals and medical enters including outpatient buildings.

(4) Sanitariums, nursing homes, convalescent homes and homes for the aged, housing bed or ambulatory patients.

(5) Bowling alleys.

(6) Educational buildings and dormitories.

(7) Non-fire-resistive buildings used as places of public assembly, including inter alia:

(a) Motion picture theaters and auditoriums used for theatrical, operatic or musical performances.

(b) Fire-resistive buildings having a floor area of ten thousand (10,000) square feet or more, used in whole or in part for the manufacture, storage or sale of combustible goods, wares or merchandise, including inter alia, stores, restaurants and supermarkets.

(c) Non-fire-resistive buildings having an undivided area of five thousand (5,000) square feet or more used in whole or in part for manufacture, storage or sale of combustible goods, wares or merchandise, including inter alia, store, restaurants and supermarkets.

(d) Fire-resistive buildings having an area of ten thousand (10,000) square feet or more used for the housing of automobiles, excluding open deck garages.

(e) Non-fire-resistive buildings having an area of six thousand (6,000) square feet or more used for the housing of automobiles.

(8) All enclosed and/or underground parking garages.

(9) Hotels and motels.

(10) Apartment houses and apartment hotels.

(11) Churches, chapels, synagogues and other places of worship.

(12) All windowless structures in excess of 1000 square feet of gross floor space.

§67-16 Maintenance of Automatic Sprinkler Equipment

Automatic sprinkler equipment must be maintained in good working condition at all times in all required buildings, in accordance with NFPA No. 13 A. If the system is shut down for repairs or for any other reason the Fire Marshal's office will be notified immediately. An approved fire watch may be required until the system is back in service.

§67-17 Automatic sprinkler equipment required in basements.

Automatic sprinkler systems shall be installed in all existing basement and/or cellar areas exceeding two thousand five hundred (2,500) square feet. Basement or cellars less than 2,500 feet may require sprinklers if in the opinion of the Fire Marshal a risk to firefighters is present because of storage or inaccessibility. The sprinkler requirement for basements may be satisfied by the installation of a system of piping with sprinkler heads to be supplied by a fire department connected at the front of the building. This arrangement will require a smoke detection system in the basement.

§67-18 Sprinkler system connections.

A. All sprinkler intake system connections shall be three-inch N.S.T. male screw couplings equipped with thread protector caps and chains, or other type caps approved by the Fire Marshal.

B. The number, location and interconnections of seamless connections shall be as directed by the Fire Marshal; provided, however, that buildings that face on two (2) streets shall have minimum of two (2) siamese connections interconnected with the sprinkler system. The sprinkler system siamese connections shall be located approximately two (2) feet above ground level or as otherwise directed by the Fire Marshal.

§67-19 Location and size of sprinkler heads, valves, pipes and water supply.

The location and size of sprinkler heads, pipes and other fire-extinguishing equipment, appliances and devices shall comply with the standards set forth in the National Fire Protection Association No. 13. Such equipment shall be connected to an adequate water supply as determined by an approved rating bureau and the Fire Marshal.

§67-20 Approval of plans.

Before any automatic sprinkler equipment, standpipes or hydrants are installed or altered, detailed plans thereof shall be submitted to and approved in writing by an approved rating bureau, and thereafter the said plans shall be submitted to and approved in writing by the Fire Marshal. All sprinkler plans shall be hydraulically designed. All flow test information shall include the date and time of the test. Nothing contained herein shall be construed to prevent the installation of types of automatic fire protection equipment other than those specified herein when such equipment is approved in writing by an approved rating bureau, the Fire Marshal and the Borough Manager.

§67-21 Exemptions.

Nothing herein contained shall be constructed to require the installation of automatic sprinkler and/or standpipe equipment in:

A. Safe deposit or other vaults.

B. Rooms or building used for the sale, manufacture or storage of aluminum powder, calcium carbide, calcium phosphate, metallic sodium, potassium quicklime, magnesium powder, sodium peroxide or like substances to which the application of water will cause or increase the fire hazard.

C. Any other location where the installation of such equipment may, in the opinion of an approved rating bureau and the Fire Marshal, increase the hazard to life or property or for any other reason be impractical due to existing conditions.

§67-22 Annual certification of automatic sprinkler system.

The building owner shall annually certify in writing to the Borough Fire Marshal that the automatic sprinkler system has been tested and maintained in accordance with the procedure of National Fire Protection Association Standard No. 13-A "Care and Maintenance of Sprinkler Systems". Additionally certification is required in writing to the Fire Marshal whenever any work on the sprinkler system is performed. Any person servicing, testing or maintaining any sprinkler system must have adequate knowledge of the operations of sprinkler equipment and meet the requirements as follows:

A. A licensed master plumber with proof of actual experience with installing sprinkler systems, or one who can demonstrate knowledge of requirements and installation of sprinkler systems.

B. Qualified pipe fitter with proof of actual experience with installing sprinkler systems, or one who can demonstrate knowledge of requirements and installation of sprinkler systems.

C. A licensed professional engineer or fire protection specialist who has designed and/or supervised installations of sprinkler systems, or who can demonstrate knowledge of requirements for installation and testing of sprinkler systems.

D. An established sprinkler installation contractor.

E. Approved testing laboratories who can demonstrate availability of specialized testing equipment and expertise with regard to requirements for installing and testing sprinkler systems.

§67-23 Sprinkler system retrofit for existing buildings.

In addition to those requirements set forth in this section, existing high-rise buildings and low-rise buildings shall be required to retrofit according to the following standards:

A. All existing high-rise buildings as defined in Section 67-1 of this chapter will retrofit with automatic sprinkler equipment according to the following standards:

(1) All existing commercial high-rise buildings will install a full sprinkler system in accordance with NFPA Standard No. 13.

(2) All existing residential high-rise buildings will retrofit with a partial sprinkler system. A partial sprinkler system consists of full coverage in basements, sub-basements, cellars, hallways, corridors, commercial areas, storage areas, common areas other than protected fire towers, and the installation of one sprinkler head opposite the center of, and inside any living unit door opening into the corridor.

(3) A wet standpipe system meeting N.F.P.A. Standard #14 must be maintained in the building.

(4) Plans for compliance with the retrofit requirement must be submitted for approval to the Public Safety Committee of the Narberth Borough Council within one (1) year of the effective date of this Fire Prevention Code.

B. All existing low-rise buildings as defined in Section 67-1 of this chapter will partially retrofit with automatic sprinkler equipment and wet standpipes as outlined below:

(1) All areas except residential units, corridors, hallways, and protected fire towers will retrofit with fire sprinklers. This includes retail commercial spaces, basements, sub-basements, collars, storage rooms, meeting rooms, and unprotected vertical openings.

Exception: Basements less than 2,500 square feet in occupancies that are 100% residential may be protected as per Section 7-7.1.2 of N.F.P.A. Standard #101, the Life Safety Code.

(2) A wet standpipe system meeting N.F.P.A. Standard #14 and the Borough of Narberth Fire Prevention Code must be maintained.

(3) Plans for compliance with this requirement must be submitted for approval to the Public Safety Committee of the Narberth Borough Council within one (1) year of the effective date of this Fire Prevention Code.

§67-24 Dry standpipe fire lines.

Dry standpipe fire lines required in certain buildings. Dry standpipe fire lines shall be installed and maintained in all new and existing buildings and in underground parking garages in accordance with the BOCA Basic/National Building Code as adopted as the Building Code of the Borough of Narberth and the standards set forth in the National Fire Protection Association No. 14; provided, however, that dry standpipe fire lines shall not be required in the following:

A. Single-family dwellings.

B. Two-family dwellings.

§67-25 Detailed requirements for dry standpipes.

Detailed requirements for dry standpipes shall be as follows:

A. Class of system: dry.

B. Number and location of risers: one (1) riser per fire tower.

C. Number and location of outlets: One (1) outlet valve at each floor level, including the basement and sub-basement, located in each fire tower and at each exit on every level of an underground garage. The number and location of roof outlets shall be at the direction of the Fire Marshal.

D. All outlets shall be two and one-half inch National Standard Thread (N.S.T.) male couplings with a reducer to one and one half inch N.S.T. and a thread protective cap. All standpipe risers shall be interconnected at their base.

E. The number and location of the Fire Department siamese connections shall be located approximately two (2) feet above ground level or as otherwise directed by the Fire Marshal.

F. Each Fire Department siamese connection shall be provided with a conspicuous, durable and permanently legible sign reading "Dry Standpipe and Fire Department Use Only".

G. The Fire Department siamese connections shall be three (3) inch N.S.T. male screw couplings equipped with thread protector caps and chains, or other type caps approved by the Fire Marshal.

§67-26 Wet standpipe fire lines.

Approved wet standpipe systems shall be installed in all buildings, exceeding fifty (50) feet in height. However, the Fire Marshal may require wet standpipe systems in buildings less than fifty (50) feet in height if, in the Fire Marshal's opinion, there is a distinct hazard to life or property. Wet standpipes shall be installed in accordance with standards set forth in National Fire Protection Association No. 14; provided, however, that wet standpipe fire lines shall not be required in the following:

A. Single-family dwellings.

B. Two-family dwellings.

§67-27 Detailed requirements for wet standpipes.

Detailed requirements for wet standpipes shall be as follows:

A. Class of system: wet, Class II.

B. Number and location of risers: The number of hose stations in each building and each section of a building divided by fire walls shall be such that all portions of each story of the building are within thirty (30) feet of a nozzle when attached to not more than one hundred (100) feet of hose. Equipment shall be so arranged as to permit directing the discharge from the nozzle into all portions of important enclosures, such as closets and like enclosures.

§67-28 Construction of Standpipes.

In all buildings in which standpipes are required, stairways and standpipes shall be carried up as the construction progresses in such a manner that they will always be ready for Fire Department use of the topmost floor that has been installed. In addition, the siamese connection and each hose outlet must be provided with an illuminated red light during the hours of darkness, and all stairways must be illuminated.

§67-29 Fire Alarm Systems.

The following requirements for an approved fire alarm system are hereby established and are in addition to the requirements of NFPA No. 101 and the requirements of the Department of Labor and Industry of the Commonwealth of Pennsylvania, the provisions of which are incorporated herein by reference. Additional requirements may be imposed by either the Fire Marshal or the Borough Manager when more stringent regulations are deemed necessary.

A. In accordance with NFPA No. 101, Chapter 21 relating to smoke detectors required in one and two family dwellings, smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector must be installed only on the upper

level, except that if there is a door between levels then a detector is required on each level. All detectors shall be connected to a sounding device or other detectors to provide, when actuated, an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturer's instructions. When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the entire building shall be provided with smoke detectors located as required for new dwellings. In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be battery operated when installed in existing buildings, or in buildings without commercial power, or in buildings while undergoing alterations, repairs or additions.

B. An approved system of smoke detection is required in all multi-family apartment houses, rooming house, group homes, lodging houses and residential occupancies located above a business or commercial occupancy.

C. Except as specified in subsection A. relating to one and two family dwellings, all detectors used in fire alarm systems or installed as individual detectors shall be of the photo-electric type unless specific approval is given by the Fire Marshal to use a different type.

D. Fire Alarm Plan Approval - In all buildings which require or install a fire alarm system, the following procedures will be followed.

1. Two copies of the Plan must be submitted to the Borough Manager with manufacturers' "cut sheets of the equipment.

2. The plan shall indicated that it meets all NFPA standards and local codes.

3. A rough wiring inspection and a final wiring inspection are required. A list of approved electrical underwriters will be supplied at permit applications.

(1) Four-and-one-half (4 1/2") V.O. A-24009-17 hydrants, with two (2) two-and-one-half-inch (2 1/2") National Standard Thread and one (1) four-and-one-half-inch (4 1/2") pumper nozzle F-547, and one (1) nine-sixteenths-inch (9/16") pent nut open right and either a six-inch (6") hub shoe or a six-inch (6") Mech jt shoe.

(2) The four-and-one-half-inch (4 1/2") F-547 pumper nozzle shall have a pitch diameter of five-and-five-hundred-seventy-one thousandths inches (5.571"); the major diameter of the nozzle shall be five-and-seven-hundred-thirty-five thousandths inches (5.735"); the minor diameter shall be five-and-three-hundred-five-and-ninety-two thousandths inches (5.392"), with four (4) threads to the inch.

Article III
Appeals; Remedies; Violations

§67-31 Appeals.

A. An appeal from any decision, action, order or requirement of the Fire Marshal or Borough Manager under this Code may be taken to the Public Safety Committee of the Borough of Narberth. Such Appeal shall be made in writing within ten (10) days after such decision, action, order or requirement has been made, and shall be filed with the Borough Manager. The Public Safety Committee shall then promptly hand down a decision, and if the decision is not in agreement with the appellant, he or his representative shall have the right to appear before the Public Safety Committee and be heard if such right is requested in the written appeal. A prompt decision of such appeal shall be made by the Public Safety Committee. Every action of the Public Safety Committee on such appeals shall be certified to the Fire Marshal, the Borough Manager and the appellant.

B. In making its decision, the Public Safety Committee may vary or modify any provision of the Fire Prevention Code or this chapter where there are practical difficulties in the manner of executing the strict letter of the law so that the spirit of the law shall be observed, public safety secured and substantial justice done.

C. The Public Safety Committee shall act as a committee to determine, specify and approve, after giving affected persons an opportunity to be heard, any new materials, processes and occupancies in addition to those now enumerated in the Fire Prevention Code. The Fire Marshal shall list such approved new materials, processes and occupancies in a conspicuous place in the Borough office, and distribute copies thereof to interested persons.

§67-32 Remedies

A. Any building or structure erected, altered or converted contrary to the provisions of this chapter and which is determined to be detrimental to the health, safety and welfare of the public shall be declared to be a common or public nuisance and shall be abated as such.

B. In case any building, structure or fire hazard is constructed, maintained or converted in violation of the provisions of this chapter, or of any order, requirement or regulations made pursuant hereto, the Borough Solicitor or other proper officer of the Borough in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding, whether by legal process or otherwise, to restrain or abate such violation.

§67-33 Prohibited conduct.

It shall be unlawful for any person to:

A. Draw water from a fire hydrant for any purpose without permission from the Philadelphia Suburban Water Company and the Fire Marshal.

B. Willfully permit water from a fire hydrant to be wasted.

C. Damage or break a fire hydrant.

D. Hinder or obstruct any fireman or any vehicle of the Fire Department from passing along the streets to or from a fire or from conducting fire-fighting operations at a fire.

E. Erect any sign containing the words "Fire Marshal" without the authorization of the Fire Marshal.

F. Hinder or prevent any fireman from performing his functions, powers or duties as a fireman.

G. Leave any part of the piping or oil tank or oil fill when removing an oil burner or taking the burner out of service in any structure in the Borough of Narberth.

§67-34 Violations and Penalties.

Any person who shall erect, alter or convert any building or structure contrary to the requirements of the Fire Prevention Code or this chapter or who shall fail to comply with any decision, action, order or requirement of the Fire Chief, Fire Marshal, Building Inspector, Borough Manager, who shall in any way violate any of the provisions of this chapter shall be liable, on conviction thereof, to a fine or penalty not exceeding one thousand dollars ($1,000.00) for each and every offense, except for offenses where specific penalties or fines are set forth in other sections of this chapter; and whenever such person shall have been notified by the Fire Chief, Fire Marshal, or Borough Manager or by services of summons or posting of the property in question in a prosecution, or in any other way, that he is committing such violations of this chapter, each day in which he shall continue such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

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

III. This Ordinance shall take effect and be in force immediately at and after its enactment as required by law.

4. Manual stations will be the double-action type.

5. A system of four or more zones will have verification capability.

6. A sufficient number of sounding devices shall be installed to insure that the system can be heard throughout the building by all occupants.

7. In certain situations strobe lights may be required in addition to bells for the hearing impaired.

8. Testing and final approval will be completed by the Fire Marshal.

E. Buildings with more than one occupancy or tenant may not have more than one fire alarm system that notifies or calls the fire department. Individual tenancies may have local fire protection.

F. After-ring fire alarm. All coded fire alarm systems required by The Department of Labor and Industry of the Commonwealth, except presignal systems, shall be provided with a relay that will sound all alarm devices automatically and continuously after the code cycle is completed and until the system is turned off manually at the main control panel.

§67-30 Private fire hydrants.

A. Private fire hydrants supplied by an eight-inch (8") or larger main shall be provided in new real estate subdivisions, on new streets and in shopping centers, educational institutions, apartment complexes and similar occupancies at the direction of the Fire Marshal, who shall consult with an approved rating bureau and the Philadelphia Suburban Water Company before directing such installations; however, a six-inch (6") main may be installed in lieu of an eight-inch (8") main, if approved by the Philadelphia Suburban Water Company, an approved rating bureau and the Fire Marshal. When hydrants are installed on new streets, and it is the intent of the developer to offer to dedicate such streets to the Borough as public streets, the cost of the hydrants' rental will be borne by the Borough on and after acceptance of dedication of such streets by the Borough.

B. Private fire hydrants shall adhere to the following specifications:

Approved by the Narberth Borough Council this 8th day of Sept 1997.

James J. Clark, Jr., President
Narberth Borough Council

ATTEST:

William J. Martin, Secretary

Approved this 8th day of Sept, 1997.

Dennis J. Sharkey, Mayor

Chapter 69

FIREWORKS AND FIREARMS

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 67.

§ 69-1. Definitions.

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

FIREARMS — Any pistol, revolver, shotgun, rifle or device that discharges by a combustible charge.

FIREWORKS — Any combustible or explosive composition of any substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, fire-crackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance. Such term shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing 25/100 grain or less of explosive compound are used, provided that they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than 20/100 grain of explosive mixture, the sale and use of which shall be permitted at all times.

§ 69-2. Sale and use of fireworks prohibited; permit for public displays.

It shall be unlawful for any person, copartnership, association or corporation to sell, offer or expose for sale or use, store, keep, use or explode any fireworks in the Borough of Narberth, provided that the Mayor may grant permits for supervised public displays of fireworks.

§ 69-3. Displays.

Every such display shall be handled by a competent operator and shall be of such a character and so located, discharged or fired as, in the opinion of the Chief Engineer of the Narberth Fire Department, shall not be hazardous to property or endanger any person or persons. Applications for permits shall be made in writing at least 15 days in advance of the date of the display. After such privilege shall have been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that

person only. No permit granted hereunder shall be transferable.

§ 69-4. Liability insurance.

The Mayor shall not grant a permit until the applicant therefor has provided liability insurance in a company and form approved by the Borough Solicitor, with minimum limits as set forth by the Borough Council, but with a minimum of $300,000 for injuries to one person and $500,000 for injuries to more than one person and $150,000 for property damage.

§ 69-5. Extension of permit.

The permit granted by the Mayor may be extended for not more than one week if, by reason of unfavorable weather, the display for which it was granted does not take place at the time authorized.

§ 69-6. Seizure of fireworks in violation.

Any police officer or constable shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter.

§ 69-7. Unnecessary discharge of firearms prohibited.

It shall be unlawful and it is hereby prohibited for any person, copartnership, association or corporation to discharge unnecessarily in or into any street, highway or public place in the Borough of Narberth any firearm, whether projecting or exploding any bullet, cartridge or blank cartridge or being otherwise discharged.

§ 69-8. Violations and penalties.

Any person, copartnership, association or corporation violating the provisions of this chapter shall be liable, for every such offense, upon conviction therefor before a District Justice, to a fine not exceeding $300, to be collected as debts of like amount are now collectible, or, in the case of individuals, the members of a partnership and the responsible officers and agents of an association or corporation, to imprisonment not exceeding 30 days, or both such fine and imprisonment.

Chapter 71

GARBAGE GRINDERS, DOMESTIC

[HISTORY: Adopted by the Council of the Borough of Narberth 4-8-1957 by Ord. No. 473, approved 4-8-1957. Section 71-3 amended at time of adoption of Code; see Ch. 1, General Provision, Art. I. Other amendments noted where applicable.]

§ 71-1. Rules and regulations adopted.

The following rules and regulations adopted and established by the Board of Health at a meeting held on the eighth day of April 1957 are hereby approved and adopted:

A. Application for permission to install and use. No person shall install and use, or if already installed, continue to use, except as hereinafter provided, any domestic garbage grinder unless he shall first have obtained permission from the Plumbing Inspector. Any person desiring to install and use or continue to use a domestic garbage grinder shall have a master plumber file an application with the Plumbing Inspector, on a form furnished by him, setting forth the location of the property, the type and size of the grinder and such additional information as the Plumbing Inspector shall require. Upon approval of the application by the Plumbing Inspector, the grinder may be installed, provided that the applicant complies in all respects with the provisions hereof and of the Borough of Narberth Plumbing Code, as amended, and pays the fees specified therein.[1]

B. Garbage grinders heretofore installed. All installations of domestic garbage grinders heretofore installed are hereby declared to be nonconforming and the use or continued use thereof is prohibited unless application shall be made to the Plumbing Inspector and permission to continue the use of the grinder is obtained within three months from the effective date of this chapter, unless the time for so doing shall be extended by the Board of Health.

C. Requirements. Garbage, fruit, vegetable, animal or other solid kitchen waste materials may be admitted to the sanitary sewers of the Borough of Narberth if they shall first be passed through a mechanically operated grinder so designed:

(1) That it will operate with water flowing into the grinder and through the sink drain line.

(2) That it will discharge wastes at a reasonably uniform rate, in fluid form which will flow readily through an approved trap, drain line or soil line in a manner which will prevent clogging or stoppage of the drain line.

(3) That it will be self-scouring, with no fouling surfaces to cause objectionable

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1. **Editor's Note: See Ch. 91, Plumbing.**

odors.

(4) That it will be free from any cross-connection.

(5) That it will be free from electrical or mechanical hazards.

D. Commercial garbage grinders prohibited. The right to install and use or continue to use a domestic garbage grinder covers grinders which dispose of garbage from homes and residences only, and the use of garbage grinders by any type of commercial enterprise, store, restaurant or outlet for food is hereby prohibited.

E. Use of garbage grinders without permission. The installation, use or continued use of any domestic garbage grinder without the permission herein required shall constitute a violation of this chapter, and upon written notice from the Plumbing Inspector, the grinder shall be removed within 10 days of such notice.

§ 71-2. Approved types and models.

The Board of Health is hereby authorized and directed to prepare forthwith and amend from time to time a list of the types or models of domestic garbage grinders which will be approved for installation in the borough. The Board is also authorized to make, promulgate and enforce additional rules and regulations governing the installation and use of domestic garbage grinders, not inconsistent with the provisions of this chapter.

§ 71-3. Violations and penalties. [2]

Any person who shall violate any of the provisions of this chapter or fail to comply with any of the regulations of the Board of Health promulgated hereunder shall be liable, on conviction thereof, to a fine or penalty not exceeding $300 or imprisonment for not more than 30 days, or both such fine and imprisonment, for each and every offense; and whenever such person shall have been notified by the Plumbing Inspector, by the service of summons in a prosecution or in any other way, that he is committing such a violation, each day that he shall continue such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

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2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 72

GARBAGE, RUBBISH AND REFUSE

[HISTORY: Adopted by the Council of the Borough of Narberth 12-30-1985 by Ord. No. 755, approved 12-30-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Domestic garbage grinders — See Ch. 71.
Recycling — See Ch. 97.
Rubbish accumulation; dangerous structures — See Ch. 102.

§ 72-1. Definitions.

The following words, when used in this chapter, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquids. It shall not include food-processing waste from canneries, packing plants or similar industries nor large quantities of condemned food products.

ONE REFUSE CONTAINER OR BUNDLE — Thirty gallons in volume or 50 pounds in weight.

ONE UNIT or ONE UNIT OF REFUSE — Six refuse containers or bundles [180 gallons in volume or 300 pounds in weight] on a single collection day. Any part of a unit shall be considered a full unit.

PERSON — A natural person, firm, association or corporation.

REFUSE — Garbage and rubbish as herein defined.

RUBBISH — All solid waste materials, leaves, vegetation and plant materials, except building rubbish from building construction, street refuse, industrial refuse, dead animals, machinery or vehicles or parts thereof, tires, bulky furniture and furnishings or large metal objects and appliances and such other waste materials as are not commonly produced in homes, stores and institutions.

§ 72-2. Classification of properties.

For the purposes of this chapter, properties shall be divided into three classes:

A. Residential dwelling: a property designed for and occupied exclusively as a home or residence for a single family.

B. Multiple dwellings: a property used as a dwelling house or residential unit for two or more families, each family separate and apart from the other.

C. Commercial establishment: a property used for the conduct of business or service.

§ 72-3. Placement of refuse for collection.

A. Residential and multiple dwellings may place, for collection by the borough or its designated agent, one unit of refuse for each dwelling unit contained therein on each designated collection day.

B. Commercial establishments may place, for collection by the borough or its designated agent, one unit of refuse on each collection day.

C. All refuse shall be kept in watertight containers provided with tight covers and so covered at all times as to prevent offensive odors from escaping therefrom and refuse from being blown, dropped or spilled.

D. Tree and plant branches shall be securely assembled in bundles not exceeding four feet in length and three feet in diameter and not weighing in excess of 50 pounds.

E. Recyclable materials required by ordinance[1] to be separately collected shall not be included in the same containers or bundles with other garbage and rubbish described in § 72-1 hereof.

§ 72-4. Storage of refuse.

A. No person shall place any refuse in any street or highway, alley or other public place nor upon any private property, whether owned by such person or not, within the borough, except that the same shall be in receptacles or bundles for collection. No person shall throw or deposit any refuse in any stream or body of water.

B. Any unauthorized accumulation of refuse is hereby deemed to be a nuisance and is hereby prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this chapter shall be deemed a violation of the provisions hereof.

C. It shall be unlawful for any person, other than the occupants of the premises upon which the refuse receptacles are stored or the collector, to remove covers or any of the contents of refuse receptacles.

§ 72-5. Collection practices.

A. Refuse shall be collected twice a week. Commercial establishments which are required to dispose of their refuse must dispose of the same at least twice a week, and, where necessary to protect the public health and safety, the Health and Welfare Committee of the Borough Council may require that more frequent collections be made.

B. It is the intent of this chapter that the reasonable accumulation of residential and multiple-dwelling refuse for the collection period will be collected at standard

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1. **Editor's Note: See Ch. 97, Recycling.**

charges.

C. It is the intent of this chapter that commercial establishments with units of refuse in excess of those set forth in § 72-3 hereof shall privately contract for and have their accumulation of refuse collected at reasonable times so as to protect the public health and safety.

D. Contagious disease refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in containers for regular collections.

E. Highly flammable, explosive and poisonous materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Health and Welfare Committee of the Borough Council at the expense of the owner or possessor thereof.

F. Refuse for collection shall be placed at ground level and not more than three feet distant from the side of the street or highway or alley from which collection is made.

§ 72-6. Fees.

A. Subject to the limitations set forth in this chapter, the annual fee for the year 1986 for the collection of refuse by the Borough of Narberth shall be $15.58 per $1,000 or fraction thereof, of the assessed value placed upon each property for the purposes of taxation by the County of Montgomery for said year.

B. Appropriate additional charges as fixed by the Health and Welfare Committee of the Borough Council shall be made for the collection and removal of furniture and furnishings, carpets and rugs, large metal objects, appliances and equipment and other bulky articles not included in the regular refuse containers or bundles when performed by the borough or its designated agent.

§ 72-7. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof in a summary proceeding before a District Justice, be subject to the following penalties, together with the costs of prosecution, and in default of payment thereof shall be subject to imprisonment for not more than 10 days:

A. First offense: $25.

B. Second offense: $50.

C. Third offense: $100.

Chapter 74

HANDBILLS AND CIRCULARS

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 74-1. Unlawful distribution.

From and after the passage of this chapter, it shall be unlawful for any person, organization, firm or corporation to distribute or cause to be distributed, by throwing, handling or placing, any handbills, circulars, samples of merchandise or other advertising matter or devices or wastepaper in or upon any street, lawn, sidewalk, alley or pole of the Borough of Narberth or, except as hereinafter provided, to distribute or cause to be distributed the same in or upon any porch or vestibule of any building in the Borough of Narberth.

§ 74-2. Nonapplicability.

Nothing herein contained shall apply to the delivery of newspapers or addressed envelopes.

§ 74-3. Permit required.

No person, organization, firm or corporation shall distribute or cause to be distributed any advertising matter, circulars, samples of merhandise, handbills or other advertising matter or devices within the Borough of Narberth without first having obtained a permit for the same at the borough office, and the fee for such permit is hereby fixed at $1 per day for each person engaged in distributing such advertising matter.

§ 74-4. Issuance of permit.

No permit shall be issued except upon the condition that the distribution of said advertising matter, handbills, circulars or other advertising matter or devices shall be conducted in conformity with this chapter. A complaint regarding the form of advertising matter or conviction for violation of the provisions of this chapter shall be sufficient cause for the refusal of a future permit.

§ 74-5. Manner of distribution.

Advertising matter shall be left only upon porches or within doorways or vestibules and must not be thrown upon lawns, sidewalks or steps. It shall be in such form as not to be easily blown about by the wind. This may require folding, tying, sealing or the use of clips.

§ 74-6. Violations and penalties.

Any person, organization, firm or corporation which shall violate any provision of this chapter may be fined in a sum not exceeding $300 or undergo imprisonment for a term not exceeding 30 days, or both, for every such violation, such fine to be collected as like fines are by law collected. The dealer whose merchandise is advertised and the distributor of such advertising matter and his employer, if any, shall be jointly and severally liable to fine for violation of the provisions of this chapter.

Chapter 76

HUCKSTERING AND PEDDLING

[HISTORY: Adopted by the Council of the Borough of Narberth 7-8-1935 by Ord. No. 307, approved 7-9-1935. Section 76-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 76-1. License required.

It shall be unlawful for any person to engage in the huckstering, peddling or selling of food of any description, books, magazines, goods, wares or merchandise of any description from house to house or upon the public streets and highways in the Borough of Narberth without having first obtained a license therefor; provided that nothing herein contained shall apply to honorably discharged soldiers, sailors and marines exhibiting a duly authenticated certificate, to farmers selling their own produce, to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or to any manufacturer or producer selling bread and bakery products, meat and meat products or milk and milk products. Solicitation of orders for later delivery of any such merchandise shall be considered to be huckstering or peddling within the scope of this chapter.

§ 76-2. Application for license.

Application for license shall be made in person at the Borough Office and shall state the name, address and citizenship of the applicant and the nature of the goods to be sold. If the actual huckstering or peddling is to be performed by an employee of the licensee unaccompanied by the licensee, the application must so state, together with the name and residence of the actual vendor or vendors, which information will be recorded on the license. All licenses shall expire on December 31 of each year and no such license shall be transferable except to another employee of the licensee, in which case the transfer will be made at the Borough Office without charge.

§ 76-3. License fees.

The license fees to be charged shall be as follows:

A. When no horse-drawn or motor vehicle is used:

   (1) For residents of the borough: $3.

   (2) For other residents of Montgomery County: $6.

   (3) For all others: $12.

B. When a horse-drawn or motor vehicle is used, the fee charged shall be double the above for each vehicle so used.

C. When licenses are not applied for in the beginning of the year, the fee shall be prorated monthly, but the fee shall in no case be less than $1.

§ 76-4. Issuance of identification certificates.

At the time of issuance of any such license, the licensee will receive a numbered certificate carrying the name and address of the actual vendor and, if an employee, the name of the employer, which the vendor shall be required to have in his possession at all times when engaged in huckstering or peddling or selling in said borough. Whenever the licensee makes use of any vehicle for the purpose of such huckstering or peddling or selling, the name and address of the licensee, together with the number of the license, shall be conspicuously displayed thereon. All licenses shall be dated.

§ 76-5. Revocation of license.

Licenses granted under this chapter may be revoked by the Mayor, at his discretion, for any unauthorized transfer or misuse thereof or for the violation of any statute, ordinance or regulation now in existence or which may hereafter be enacted.

§ 76-6. Violations and penalties. [1]

Any person who shall violate any provision of this chapter shall be subject to a fine not exceeding $300, plus costs of prosecution, and in default of payment of such costs and prosecution, imprisonment for a term not exceeding 30 days.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

ORDINANCE NO. 854

BOROUGH OF NARBERTH

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NARBERTH BY ADDING THERETO A NEW CHAPTER 84 ENTITLED "LANDSCAPE REGULATIONS" TO PROVIDE IN ENUMERATED CIRCUMSTANCES FOR SUBMISSION OF LANDSCAPE PLANS, PRESERVATION OF EXISTING VEGETATION, PARKING LOT LANDSCAPING, STREET TREES AND BUFFERS, AND PROVIDING FOR PERFORMANCE BONDS

Section I. Legislative Intent.

1. It is the intent of the Narberth Borough Council that these landscape regulations shall be applied to any of the following circumstances:

   a. Where a landowner proposes the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

      (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

      (2) the division or allocation of land or space, whether initially, or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

   b. A subdivision of land.

2. Where the Zoning Board, in reviewing any application pending before it, deems it appropriate to impose landscape requirements in order to protect the health, safety and welfare of the community and/or adjacent parcels, the national standards set forth herein and the regulations of this Ordinance may be used as guidelines for said landscape requirements.

3. Where the Borough, in reviewing any building application pending before it, deems it appropriate to impose landscape regulations in order to protect the health, safety and welfare of the community and/or adjacent parcels, the national standards set forth herein and the regulations of this Ordinance may be used as guidelines for said landscape requirements.

Section II. Landscape Regulations.

1. Plan required. As required above, all submissions shall be accompanied by a landscape plan which shall be prepared to identify existing plant material on the property in excess of three (3) inch caliper and shall identify the name, species and location of new plant material to be installed as a part of the plan and to demonstrate compliance with the landscape regulations contained herein. It is recommended but not required that a registered Landscape Architect, or certified arborist or horticulturist, prepare landscape plans submitted for Borough approval.

   a. At a minimum, a landscape plan shall consist of the following information to be shown:

      (1) Plan scale, date, north arrow, and location map with zoning district designations for the site and adjacent properties.

      (2) Location of all existing and proposed buildings and structures.

      (3) Location of all existing and proposed roads, parking, service areas, and other paved areas.

      (4) Location of all outside storage and trash receptacle areas.

      (5) Sidewalks, berms, fences, walls, free-standing signs, and site lighting.

      (6) Existing and proposed underground and aboveground utilities such as site lighting, transformers, hydrants, manholes, valve boxes.

(7) All existing and proposed contours at two (2) foot intervals to determine the relationship of planting and grading, areas with slopes in excess of 3:1 shall be highlighted on the plan.

(8) Existing mature trees, woodland, and tree masses to remain.

(9) Existing mature trees, woodland, and tree masses to be removed.

(10) Location of all proposed landscaping, including required street trees, stormwater basin landscaping, parking lot landscaping, property line buffer, and site element screen landscaping.

(11) A planting schedule listing the scientific and common name, size, quantity and root condition of all proposed plant material.

(12) A schedule showing all landscape requirements and plantings proposed for each category.

(13) Planting details, including method of protecting existing vegetation, and landscape planting methods.

(14) Information in the form of notes or specifications concerning seeding, sodding, groundcover, mulching, and the like, etc.

(15) A detailed cost estimate shall be submitted with the public improvement escrow, showing the value of all proposed landscaping, including all labor, materials, and guarantee.

2. Preservation of existing vegetation.

a. Preservation of existing vegetation. Each mature tree, tree mass, or woodland on the site shall be designated "to remain" or "to be removed" in accordance with the following criteria:

(1) All submissions as required above, shall be laid out in such a manner so as to minimize the removal of healthy trees and large shrubs on the site. Special consideration shall be given to major specimen trees.

(2 In the event the removal of trees shall exceed twenty-five percent (25%) of the total caliper inches of all healthy trees present on site before construction, then replacement trees equal to total caliper inches in excess of twenty-five percent (25%) of those trees removed shall be provided on site or on another site approved by Borough Council. See credit provisions in Section B.6.e (3) herein.

(3) Removal of existing vegetation shall be minimized. Location of proposed improvements, clearing and grading, and excavations shall be designed so as to reduce the loss of mature trees, tree masses, woodlands, and large shrubs.

(4) Healthy trees or tree masses which are considered "to remain" shall meet the following criteria:

(1) The outermost branches of the tree(s) shall be at least five (5) feet from any proposed buildings, structures, paving, parking, or utilities.

(2) The outermost branches of the tree(s) are at least five (5) feet from the proposed changes in grade or drainage, such as excavations, mounding, or improvements greater than one (1) foot vertical elevation.

(3) Trees shall be located outside of any required sight triangles.

b. Protection of existing vegetation. Existing vegetation designated "to remain" as part of the landscape plan shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary physical barrier, such as a snow fence, shall be erected a minimum of one (1) foot outside the drip line of all individual trees, tree masses, woodlands, or large shrubs prior to clearing or construction on the property. Details for protective measures shall be identified on the landscape plan.

3. Parking lot landscaping.

a. All parking lots having ten (10) or more stalls shall be landscaped according to the following regulations:

(1) One (1) planting island shall be provided for every twenty (20) parking stalls. There shall be no more than twenty (20) contiguous parking stalls in a row without a planting island.

(2) The ends of all parking rows shall be divided from drives by planting islands.

(3) Planting islands shall be a minimum of nine (9) feet in width by eighteen (18) feet in length, shall be underlain by a soil and shall be protected by curbing or bollards and each island shall contain at least one (1) shade tree.

(4) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of illumination.

(5) Plant materials shall comply with the requirements contained herein regarding the type and quality of plant material utilized.

4. Street trees.

a. Street trees shall be required along all existing streets, along all proposed streets, and along major access driveways that serve developments either having five (5) or more residential dwelling units or two (2) or more non-residential properties or uses.

b. The street tree requirement may be waived by Council where existing vegetation is considered sufficient.

c. Street trees shall be located between the ultimate right-of-way line and the building setback line in accordance with the following standards.

(1) Trees shall be planted a minimum of eight (8) feet behind an existing sidewalk or in the case where sidewalks do not exist fifteen (15) feet from the curb line of a street or driveway.

(2) Trees shall be planted at a ratio of at least one (1) tree per forty (40) linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.

(3) Plant materials shall comply with the requirements contained herein regarding the type and quality of plant material utilized.

5. Buffers.

a. Screen buffer. A buffer area of the required height and width as designated in the Borough Zoning Ordinance.

(1) The required plant material shall be distributed over the entire length and width of the buffer yard.

(2) Buffer plant material may be arranged symmetrically or asymmetrically, provided the plant material shall be spaced to provide optimum growing conditions for each plant and shall implement the requirements of a screen type buffer as indicated below.

Option 1: Double row of evergreen trees having a minimum height of seven (7) feet at planting shall be placed ten (10) feet on center and offset ten (10) feet to provide a minimum continuous screen at a period of five (5) years following installation.

Option 2: Opaque fence with ornamental trees and shrubs at the minimum height of seven (7) feet with plantings at the minimum rate of three (3) shrubs with a minimum height of two and one-half (2 1/2) feet at height of planting and two (2) ornamental trees having a minimum height of eight (8) feet at time of planting for each ten (10) linear feet of proposed fence, arranged formally or informally along both sides of the fence.

Option 3: Architectural extension of the building (such as wing wall) with a minimum height of seven (7) feet and shall be consistent in building materials and style with the main building.

Option 4: An evergreen hedge such as Arborvitae or Privet with a minimum height at planting of seven (7) feet, planted three (3) feet on center maximum, which may be permitted to grow informally or a sheared hedge.

b. Softening buffer. An area comprised of natural or man-made material consisting of a mix of evergreen, ornamental (flowering), and deciduous plant material as follows:

Option 1: A two (2) or three (3) foot high continuous curvilinear berm with ornamental trees at the rate of one (1) tree for every twenty (20) feet, clustered or arranged informally. The maximum slope of the berm shall be 3:1.

Option 2: A low brick or stone wall being at least fifty percent (50%) opaque, having a height of no less than four (4) feet with ornamental or deciduous tree planting at the rate of one (1) tree for every twenty (20) feet of length of wall.

Option 3: A buffer without berm or wall shall consist of a minimum of five (5) large deciduous trees, five (5) flowering trees, and three (3) evergreen trees per one hundred (100) feet of buffer length.

c. Existing healthy trees, shrubs, or woodlands may substitute for all or part of the required plant material at the discretion of Borough Council. The minimum quantities and/or visual effect resulting from the existing vegetation shall be equal to or exceed that of the required buffer.

d. The applicant may propose to use an alternative screen type or changes in plant materials or designs which fulfill the intent of this section, provided approval is received from Borough Council.

e. Plant materials shall comply with the requirements contained herein regarding the type and quality of plant material utilized.

6. All plant materials and planting practices shall be in accordance with the American Standard for Nursery Stock by the American Association of Nurserymen.

a. Street trees and other required plant material shall be planted prior to the issuance of a use and occupancy permit. In lieu of planting due to seasonal constraints, the locations of street trees will be staked and the developer will be required to submit to the Borough a memorandum signed by the purchaser at the time of settlement. This memorandum will indicate that the purchaser understands and acknowledges that the stakes indicate the locations of street trees to be planted and that the trees will be planted by the developer.

b. Caliper size of trees shall be measured six (6) inches above ground elevation.

c. All branches for street trees shall be pruned to a clearance height of seven (7) feet above the ground.

d. Waivers for existing vegetation. In cases where natural features existing on the site duplicate or essentially duplicate the planting requirements of this section, these requirements may be waived or amended by Borough Council.

e. Preservation of existing plants.

(1) All submissions as required above, shall be laid out in such a manner so as to preserve the healthy trees and shrubs on the site whenever possible.

(2) During the construction of any site, trees and shrubs, as defined herein, shall be protected by snow fencing to ensure that there is no encroachment within the area of their dripline by changing grade, trenching, stockpiling of building materials or topsoil or the compaction of the soil and roots by any motor vehicle unless the following regulations are met:

(a The area of dripline of any tree or group of trees may be encroached up to a maximum of one-third (1/3) of the total area of the dripline, provided that an equivalent proportion of the canopy is removed by pruning by a trained arborist.

(3) The foregoing requirements for street trees and buffers shall, whenever possible, be met by preserving existing trees, and to that end the number of trees required may be reduced by a credit for approved preserved trees computed as follows:

Caliper Size of Trunk of Approved Preserved Tree* (inches)	Number of Trees Credited
36 or greater	6
30 to 35	5
26 to 29	4
20 to 25	3
13 to 19	2
8 to 12	1

*Note: Diameter measured at a height of six (6) inches above the natural grade.

f. Trees and shrubs required by this ordinance shall be maintained in a continuous healthful condition. Plant material in a dead, dying or disfigured condition shall be immediately replaced in a manner originally required by this ordinance.

7. Recommended plant material list. This list shall be on file with the Borough Secretary and may be amended from time to time by the Borough. Substitutions to the recommended list shall require approval by the Borough Shade Tree Commission.

8. Site element screens. Exterior elements such as dumpsters, trash or recycling areas, service and loading docks, outdoor sales yard and vehicle storage areas shall be provided with visual screen elements consistent with a screen buffer within all zoning districts within Narberth Borough.

9. Community assets and park areas. Subdivisions and land developments which are not able to save and protect existing and healthy trees shall be required to place additional trees within the yard areas of the subject property or may be transferred to public lands upon approval of Borough Council.

   a. Trees shall be replaced at the ratio of one (1) caliper inch of new tree for every existing caliper inch of trees which cannot be saved during the development process.

10. Cost estimate.

    A detailed cost estimate shall be submitted to the Borough for the preparation of the land development agreement. This estimate shall show the value of all proposed landscaping. Unit costs for plant material shall include costs for materials, labor, guaranty and maintenance for one (1) year following the date of installation.

11. Performance bond.

    a. No zoning permit shall be issued unless a performance bond or other surety approved by the Borough Solicitor in the amount of one hundred fifteen percent (115%) of the total cost of replacing, purchasing, planting, and maintaining required plant material has been filed with the Borough. Such surety shall be in an amount equal to the cost of purchasing, planting, maintaining and replacing all vegetative materials for a period of one (1) year as stated above in #10, Cost estimate.

    b. This condition may be satisfied through a land development agreement with sufficient and appropriate financial guaranties.

Section III

The provisions of the ordinance shall be severable, and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not effect the validity of any of the remaining provisions of this ordinance.

This ordinance hereby repeals any and all ordinances or parts of ordinances inconsistent with this ordinance.

This ordinance shall take effect immediately as provided by law.

ORDAINED and ENACTED, this 10th day of August, 1998.

BOROUGH OF NARBERTH

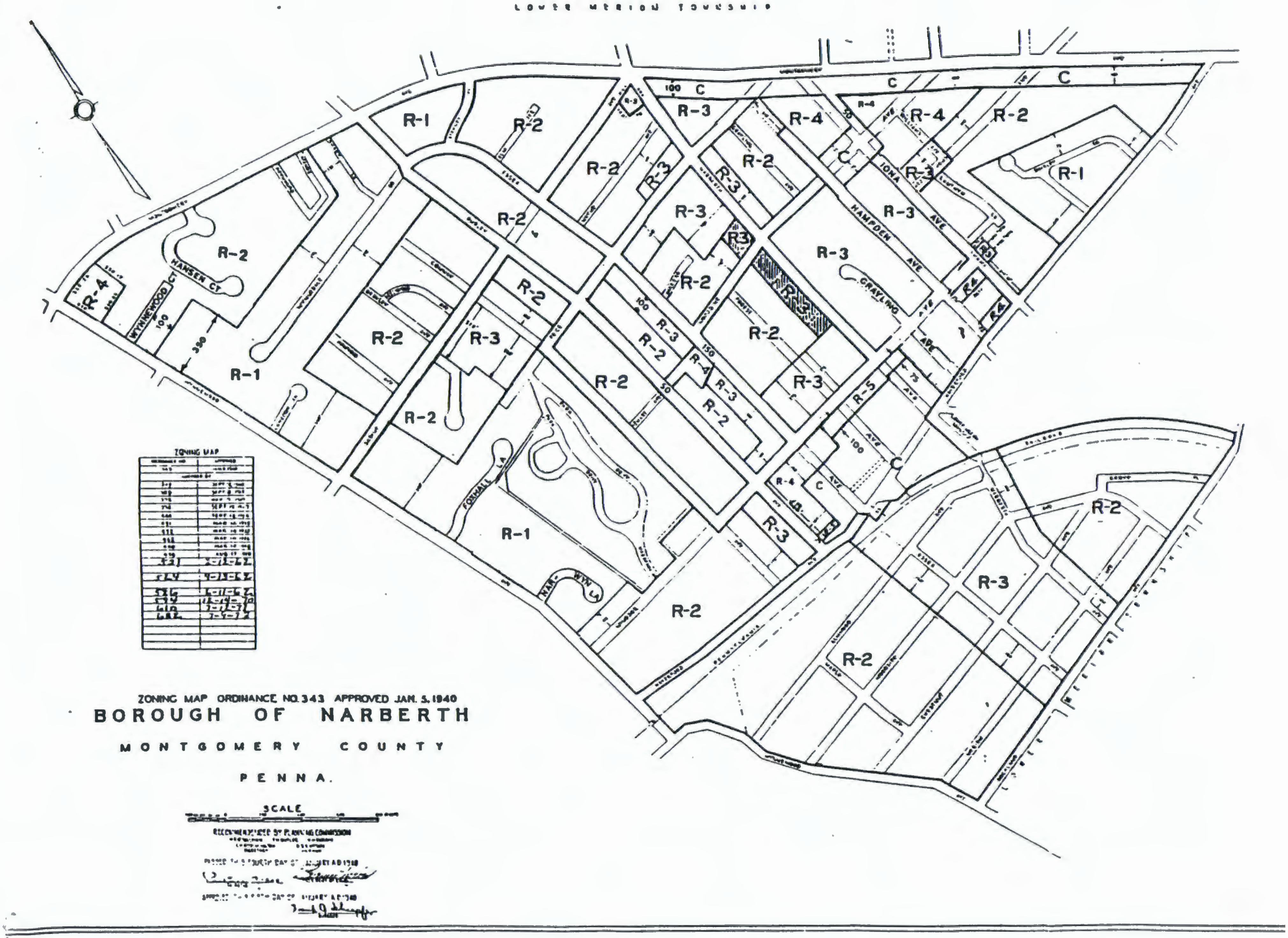
BY: Kathleen M. Valentine
Kathleen M. Valentine, President

ATTEST:

William J. Martin
William J. Martin, Secretary

APPROVED by the Mayor this 10 day of August, 1998.

Dennis J. Sharkey
Dennis J. Sharkey, Mayor


LOWER MERION TOWNSHIP
R-1
R-2
R-3
R-4
R-5
C
HANSEN CT
WYNNEWOOD CT
FOXHALL LA
NAR-WIN LA
IONA AVE
HAMPDEN AVE
GRAYLING AVE
ZONING MAP
ZONING MAP ORDINANCE NO. 343 APPROVED JAN. 5, 1940
BOROUGH OF NARBERTH
MONTGOMERY COUNTY
PENNA.
SCALE

Chapter 91

PLUMBING

[HISTORY: Adopted by the Council of the Borough of Narberth 10-10-1938 by Ord. No. 328, approved 10-10-1938. Section 91-11 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 50.
Sewers — See Ch. 105.

§ 91-1. Certificate or license required to engage in business.

Every person, firm or corporation engaged in the business of plumbing or house or building drainage in the Borough of Narberth shall obtain a certificate or license to engage in or work at said business from the Department of Health of the Commonwealth of Pennsylvania.

§ 91-2. Examination, licensing and registration of master plumbers.

A. All and every person or persons with three years or more of practical experience, engaged or engaging in the business or work of plumbing, house and building drainage in the Borough of Narberth, shall apply in writing to the Secretary of the Board of Health for a certificate or license. The said Secretary shall forward said application to the Examining Board of Lower Merion Township as the Examining Board for the Borough of Narberth, subject to the approval of the Secretary of Health of the Commonwealth of Pennsylvania, to which Board all examination fees as provided by law shall be paid. Upon notification by the Examining Board of Lower Merion Township that the applicant has qualified, the Secretary of the Board of Health shall notify the Department of Health of the Commonwealth of Pennsylvania, requesting the issuance of a certificate or license to such person or persons as provided by Section 2 of the Act of Assembly of March 31, 1937, P.L. 168. Upon receipt of said license by such person or persons, it shall be registered with the Plumbing Inspector to be appointed as hereinafter provided.

B. Master plumbers whose residences or places of business are located in the Borough of Narberth or Lower Merion Township shall pay an annual fee of $25 for the use of the Borough of Narberth. [Added 12-14-1970 by Ord. No. 600, approved 12-14-1970; amended 12-11-1972 by Ord. No. 624, approved 12-11-1972]

§ 91-3. Registration of transient master plumbers. [Amended 12-11-1972 by Ord. No. 624, approved 12-11-1972; 12-30-1976 by Ord. No. 671, approved 12-30-1976]

Any master plumber holding a license granted pursuant to the Act of Assembly approved March 31, 1937, P.L. 168 (as amended), to engage in or work at the business of plumbing

and drainage, whose residence or place of business is beyond the limits of the Borough of Narberth and/or Lower Merion Township and who desires to do plumbing or drainage work in the Borough of Narberth, shall, without examination, register with the Borough Manager before entering upon such work.

§ 91-4. Registration fee for transient master plumbers. [Amended 12-14-1970 by Ord. No. 600, approved 12-14-1970; 12-11-1972 by Ord. No. 624, approved 12-11-1972; 12-30-1976 by Ord. No. 671, approval 12-30-1976]

Transient master plumbers registered as hereinbefore provided shall pay an annual registration fee of $25 for the use of the Borough of Narberth.

§ 91-5. Appointment of Plumbing Inspector.

In accordance with the provisions of the Act of Assembly of March 31, 1937, P.L. 168, Council shall appoint a properly qualified person as Plumbing Inspector, whose term of office shall be until the first Monday of January 1940, and thereafter the term shall be for two years, subject to the right of removal by Council.

§ 91-6. Duties of Plumbing Inspector.

The duties of the Plumbing Inspector shall be to supervise, superintend and inspect all plumbing, house and building drainage in conformity with the rules and regulations of the Board of Health of the Borough of Narberth and the provisions of the Acts of Assembly of June 12, 1913, P.L. 471, and of March 31, 1937, P.L. 168, and the amendments and supplements thereto.

§ 91-7. Salary of Plumbing Inspector. [Amended 2-14-1970 by Ord. No. 600, approved 2-14-1970]

The salary of the Plumbing Inspector shall be $300 per year, payable semiannually.

§ 91-8. Records of Plumbing Inspector.

The Plumbing Inspector shall keep accurate records of the approved plans and inspections and shall make full written reports thereof to the Borough Secretary monthly and shall file with the Borough Secretary duplicates of any reports made to the Department of Health of the Commonwealth of Pennsylvania or other authority.

§ 91-9. Plans and specifications.

The drainage of all buildings, public and private, and all alterations, extensions and additions to drainage systems shall be executed in accordance with plans and specifications approved in writing by the Plumbing Inspector.

§ 91-10. Fees for plans and specifications. [Amended 12-14-1970 by Ord. No. 600, approved 12-14-1970; 12-11-1972 by Ord. No. 624, approved 12-11-1972; 12-30-1976 by Ord. No. 671, approved 12-30-1976; 7-12-1982 by Ord. No. 723, approved 7-12-1982]

Fees shall be paid in advance by the plumber as follows:

A. Fifty dollars for each set of drawings and ground plans submitted for new buildings having from one to five fixtures and $5 for each additional fixture.

B. Twenty dollars for each set of drawings for alterations and additions, to include three fixtures which may be submitted for each and every building, and an additional fee of $5 for each additional fixture.

§ 91-11. Violations and penalties. [1]

Any person or persons who shall fail to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding $300 or to imprisonment in the county prison for a term not exceeding 30 days, or both such fine and imprisonment.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 94

PROPERTY PROTECTION, PUBLIC

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 94-1. Injury to or tampering with public property.

No person or persons shall destroy or injure in any way whatsoever, remove or tamper with or deface any public property of the Borough of Narberth or any grass, walk, lamp, ornamental work, sign, building, streetlight, fire hydrant or water or gas stop box on any of the streets, alleys, parks or other public grounds in the borough.

§ 94-2. Interference with posts, stakes or monuments.

No person or persons shall in any manner interfere with or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line location, corner or angle in the Borough of Narberth made, placed or set or hereafter made, placed or set or caused to be done by the authorities of said borough in any survey of or in any street, alley or public ground in the borough to evidence the elevation, line grade, location, corner or angle of any public street, alley, sidewalk, curb, gutter, sewer or other public work, matter or thing.

§ 94-3. Defacement or removal of lamps, warning signs or barricades.

No person shall willfully or maliciously destroy, remove, deface, obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the borough or by any person, firm or corporation doing work by permission of the authorities of the borough on any of the streets, alleys, sidewalks or bridges in the borough as a warning of danger.

§ 94-4. Removal of earth or stone or other material.

No person or persons shall take any earth, stone or other material from any of the streets, alleys, parks or other public grounds in the borough.

§ 94-5. Nonapplicability.

This chapter shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon nor to incidental results of work thereon or therein upon permit or authority of the borough.

§ 94-6. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction

thereof, pay for all damages to the borough and be sentenced to pay a fine of not more than $300 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days, provided that the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude other injured parties from taking proper legal action to recover damages resulting from such violation.

Chapter 95

PROPERTY REGISTRATION

[HISTORY: Adopted by the Council of the Borough of Narberth 1-13-1986 by Ord. No. 758, approved 1-13-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision — See Ch. 113.
Realty transfer tax — See Ch. 114, Art. I.
Zoning — See Ch. 124.

§ 95-1. Definitions.

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

COMMERCIAL UNIT — Any area within a building which is used as a store, office, personal service business, bank, financial institution, restaurant, theater, hotel, rooming house, boardinghouse, greenhouse, public garage, automobile service or gasoline station, taproom, hospital, sanatorium, entertainment facility, warehouse or other business establishment, whether or not located within the same building with single-family or multiple-family dwelling units.

FAMILY — Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than two of such number are unrelated to all of the others by blood, marriage or legal adoption, except where the Narberth Zoning Hearing Board, upon petition, has as a special exception interpreted the term "family" to apply to a group of individuals, not exceeding four, not related to each other by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit.

MULTIPLE-FAMILY DWELLING UNIT — An area designed for and occupied exclusively as a residence by a single family and located within a building containing two or more such areas, whether or not such area is owned in single and separate ownership or as a condominium.

SINGLE-FAMILY DWELLING UNIT — A building designed and occupied exclusively as a residence for one family, whether completely detached from adjacent buildings or having a party wall or walls in common with an adjacent building or buildings.

§ 95-2. Report required.

The owner or owners of each property within the Borough of Narberth shall, on or before the first day of July 1986, report to the borough in writing on a borough property registration form the total number of single-family dwelling units, multiple-family dwelling units and commercial units contained in or located upon the property owned by him or them, and said owner or owners shall report to the borough in writing on a borough property registration form on or before the first day of January in each

succeeding year any increase or decrease in the number of such units during the preceding year.

§ 95-3. Minimum charge for untimely reporting.

Any owner or owners of property within the Borough of Narberth who shall fail to report to the borough in writing on a borough property registration form the total number of single-family dwelling units, multiple-family dwelling units and commercial units contained in or located upon the property owned by him or them in accordance with § 95-2 above shall be billed by the borough for a minimum of three units in the year 1987 and subsequent years unless an increase or decrease in that number of units is filed in accordance with said § 95-2.

§ 95-4. Certification for sale of property; fee; delinquent charges.

A. Prior to the sale by the owner or owners of any property located within the Borough of Narberth on or after the first day of January 1987, such owner or owners or their agent shall make application to the Borough Secretary for and receive from him a certification that the property to be sold has been inspected with regard to the number of single-family dwellings, multiple-family dwellings or commercial units therein or thereon and whether such inspection verified information on file in the borough office. The charge for such certification shall be $15.

B. In the event that said owner or owners has failed to report or has failed to report the correct number of single-family dwellings, multiple-family dwellings and commercial units in or located upon said property, he or they shall be billed for and shall pay all delinquent charges for the collection of garbage, rubbish and other solid waste materials as levied by Ordinance Number 756, dated December 30, 1985, and any amendments thereto, together with all penalties, costs, interest and lien charges. The Borough Secretary shall not issue a certification as to such property until all such delinquent charges, penalties, costs, interest and lien charges have been paid in full.

§ 95-5. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof in a summary proceeding before a District Justice, be subject to a fine of not more than $300, together with the costs of prosecution, and in default of payment thereof shall be subject to imprisonment for not more than 30 days.

Chapter 97

RECYCLING

[HISTORY: Adopted by the Council of the Borough of Narberth 12-9-1985 by Ord. No. 752, approved 12-9-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 72.

§ 97-1. Purpose.

The reduction of the amount of solid waste and conservation of recyclable materials is an important public concern by reason of the growing problem of solid waste disposal and its impact on the environment. The collection of newspapers, glass and other recyclable materials for recycling from residences in the Borough of Narberth will serve the general public interest by reducing the volume of municipal solid waste which must be disposed, thereby reducing storage, collection, transportation and disposal costs of said waste, and by preserving valuable natural resources and will result in a financial benefit to the residents and taxpayers of the borough by reason of the income realized from the sale of these recyclable materials. Collection regulations must be established to implement the program, to facilitate the accomplishment of its objectives and to encourage the fullest possible citizen participation in the program.

§ 97-2. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases used throughout this chapter shall have the following meanings:

BOROUGH — Borough of Narberth.

GLASS — All products made from silica or sand, soda ash and limestone; the product may be transparent, translucent or colored and may be used as a container for packaging or bottling of various matter; and all other material commonly known as "glass."

MUNICIPAL SOLID WASTE — All garbage and refuse normally placed by persons for regular collection by the borough or its designated agent.

NEWSPAPER — Paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

PERSON — Includes a lessee as well as an owner of a residence and includes a person, firm or corporation which owns a residence.

RECYCLABLES — Material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles,

bimetal cans, corrugated paper (cardboard and paper boxes), magazines, computer printout paper, computer tab cards, office paper, steel cans and paper products not chemically coated.

RESIDENCE — Any single-family, multifamily or other residential dwelling, office building or commercial or institutional establishment from which the borough collects municipal solid waste.

§ 97-3. Program established.

The borough hereby establishes a Resource Recovery Program for the mandatory separation and collection of newspapers, glass and other recyclable materials from all residences in the borough for which municipal solid waste collection is provided by the borough. Collection of the materials to be recycled shall be made periodically by the borough or its designated agent for recycling purposes. This chapter is ordained pursuant to Section 1202(11) of the Borough Code [Act of February 1, 1966, P.L. (1965) 1656, No. 581], as amended.[1]

§ 97-4. Borough Manager to promulgate regulations.

The Borough Manager is hereby authorized and empowered to establish and promulgate regulations on the manner, days and times of collections, the description and classification of recyclable materials and the bundling, handling, location and time of placement of such materials for collection.

§ 97-5. Separation and collection of recyclable materials.

All persons who are residents of the borough shall separate all newspapers, glass and other recyclable materials to be collected from all other municipal solid waste produced at their residences and shall place the same for collection by the borough or its designated agent in accordance with the regulations established hereunder.

§ 97-6. Ownership of recyclable materials.

All newspapers, glass and other recyclable materials placed by the resident for collection by the borough pursuant to this chapter and regulations hereunder shall, from time of pickup, become the property of the borough, except as otherwise provided by § 97-8 of this chapter.

§ 97-7. Unauthorized collection prohibited.

It shall be a violation of this chapter for any person, firm or corporation, other than the borough or an agent designated and authorized by the Borough Council, to collect the newspapers, glass or other recyclable materials placed by a resident for collection by the borough, unless such person, firm or corporation has prior written permission to make such collection as set forth in § 97-8 of this chapter. Each unauthorized collection in

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1. **Editor's Note: See 53 P.S. § 46202(11).**

violation hereof from one or more residences on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 97-8. Other means of disposal.

Any resident may donate or sell newspapers, glass and other recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence without prior permission from the borough to make such collection.

§ 97-9. Violations and penalties.

A. Any person, firm or corporation who shall violate the provisions of §§ 97-5 and 97-8 shall receive an official written warning of noncompliance for the first and second offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

B. Except as hereinafter provided, any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be sentenced to pay a fine of not less than $25 nor more than $300 and costs of prosecution for each and every offense.

C. The Borough reserves the right not to collect municipal solid waste containing recyclable materials in combination with nonrecyclable materials.

§ 97-10. Amendments.

The Council of the Borough of Narberth may, from time to time, by informal resolution, modify, add to, delete from or redefine the list of recyclable solid waste materials to be collected by the borough or its designated agent and the standards and regulations pertaining thereto.

Chapter 99

REFRIGERATORS, ABANDONED

[HISTORY: Adopted by the Council of the Borough of Narberth 11-21-1955 by Ord. No. 457, approved 11-21-1955. Section 99-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 99-1. Abandoned refrigerators and containers hazardous to safety.

It is hereby determined that the abandoning, discarding, storing or keeping in any place accessible to children of refrigerators, iceboxes, freezer cabinets or similar containers of a capacity of 1 1/2 cubic feet or more which are no longer used for refrigeration purposes, without the attached doors, hinges, lids or latches being removed, constitutes a serious hazard to the health, welfare and safety of children.

§ 99-2. Definitions.

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

PERSON — As applied to a partnership or association, means the partners or members thereof, and as applied to a corporation, the officers thereof.

§ 99-3. Violations and penalties. [1]

Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding $300 and costs or imprisonment for a term not exceeding 30 days, or both, and each day such violation is committed or permitted to continue shall constitute and be punishable as a separate offense.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 102

RUBBISH ACCUMULATION; DANGEROUS STRUCTURES

[HISTORY: Adopted by the Council of the Borough of Narberth 9-10-1934 by Ord. No. 303, approved 9-10-1934. Sections 102-2 and 102-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 67.

§ 102-1. Definitions. [Amended 6-10-1946 by Ord. No. 377, approved 6-10-1946]

The following words shall, for the purpose of this chapter, have the following meanings:

DANGEROUS STRUCTURES — Any neglected, abandoned or uncared-for buildings, walls, porches, doors, windows, chimneys or other structures or parts thereof which are permitted or allowed to remain in unsightly, unsafe, unsanitary, hazardous or other dangerous condition.

NOXIOUS VEGETATION — Any neglected or uncaredfor vegetation, whether living or dead, including all unpruned, decayed, rank or uncut weeds, grass, vines, hedge, plants, shrubs, brush, undergrowth or trees.

OBJECTIONABLE ACCUMULATIONS — Any accumulations of supplies, goods, chattels, merchandise, fuel, manufacturing waste and any and all materials used or to be used for building, grading or other purposes, whether possessing value or not, deposited or stored in such a manner or place or for such length of time or under such circumstances as to be objectionable, unsanitary, unsightly, inconvenient or dangerous or hindering free ingress or egress, including anything described herein as rubbish or noxious vegetation and every other kind of material deposited at a place other than or in an amount in excess of that reasonably necessary to the lawful use of the premises for business, residence or other legitimate purposes.

RUBBISH — Any waste, discarded or rejected matter or substance, either vegetable, animal or mineral, including unused chattels, furnishings, tools, vehicles, implements, trash, debris, scrap, junk, garbage, leaves, decayed or fallen trees, the branches or other parts thereof, dirt or mud washed on sidewalk or street pavements by rain or flowing water, stones, ashes, cinders, paper and all other superfluous, abandoned or unused materials or substances of whatsoever kind and condition.

§ 102-2. Objectionable accumulations and dangerous structures prohibited. [Amended 6-10-1946 by Ord. No. 377, approved 6-10-1946[1]]

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

It shall be unlawful and constitute a public nuisance for any person, firm or corporation, whether or not owning or occupying private property in the Borough of Narberth, to deposit or to cause or permit the deposit, maintenance, growth or existence of rubbish, noxious vegetation or other objectionable accumulations or to permit the existence of a dangerous structure, as above defined, on any public or private property or on or in any public or private highway, street, lane, gutter, grass plot, sidewalk, way, lawn, yard, driveway, alley, passageway, creek, stream or within five feet of any fire hydrant or street or traffic sign in the Borough of Narberth, except as hereinbefore provided. Construction or building materials may, however, be deposited on the streets in accordance with provisions made elsewhere, after obtaining a permit therefor.

§ 102-3. Storage of rubbish and garbage in metal containers. [Added 10-8-1956 by Ord. No. 467, approved 10-8-1956]

It shall be unlawful and constitute a public nuisance for any person, firm or corporation engaged in the business of selling foodstuffs to permit the accumulation of rubbish and noxious vegetable or animal matter unless it shall be deposited in metal containers and kept covered until removal.

§ 102-4. Enforcement. [Amended 6-10-1946 by Ord. No. 377, approved 6-10-1946]

In the case of any violation of this chapter, in addition to other remedies provided by law, the borough may, after five days' notice by the Superintendent of Public Works, or in urgent cases without notice, enter upon or in all such premises, with its workmen, contractors or agents, and clean up and remove such rubbish, noxious vegetation or other objectionable accumulations or dangerous structures, and take such other action at such times and as often as the particular circumstances warrant for the health and cleanliness and the beauty, convenience, comfort and safety of the borough.

§ 102-5. Recovery of costs and expenses.

Whenever and as often as it becomes necessary for the borough to take action under this chapter, the expense thereof, with 20% additional as a penalty, together with all incidental costs, fees, charges and expenses, may be collected by action in assumpsit or otherwise from the owner or occupant, either or both, at the option of the borough. The said borough may also, as an additional remedy, cause a municipal lien or claim to be filed against the said property or as much thereof, with the appurtenances, as is involved in the violation aforesaid.

§ 102-6. Service of notice.

Any notice referred to in this chapter may be served upon the tenant or occupant of the premises or any part thereof or may be given by posting a written notice upon some public part of the premises or by mailing same to the last known address of the owner or occupant of such premises, at the option of the borough.

§ 102-7. Permit required to engage in business. [Amended 6-10-1946 by Ord. No. 377, approved 6-10-1946]

No person, firm or corporation shall engage in the business of removing rubbish or other accumulations or dangerous structures in the Borough of Narberth unless and until he or they shall have obtained a permit for such purpose. Such permit shall be issued free of charge by the Borough Secretary or by the Superintendent of Public Works, subject to general regulations governing permits, and shall expire on the 31st day of December of each year, but may be revoked or suspended by the person issuing the same.

§ 102-8. Violations and penalties. [2]

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not more than $300 and costs of prosecution or to imprisonment in the county prison for not more than 30 days, or both such fine and imprisonment.

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2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 105

SEWERS

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 1-12-1959 by Ord. No. 487, approved 1-12-1959; Art. II, 7-23-1917 by Ord. No. 181, approved 8-6-1917. Amendments noted where applicable.]

ARTICLE I
Maintenance and Construction Costs
[Adopted 1-12-1959 by Ord. No. 487, approved 1-12-1959]

§ 105-1. Maintenance of sewer mains.

The sewer mains of the sanitary sewer system of the Borough of Narberth shall be maintained at the expense of the borough.

§ 105-2. Maintenance of laterals.

The entire length of the sewer laterals from the mains to buildings shall be maintained at the expense of the owner of the property served by the laterals.

ARTICLE II
Sewer Construction Assessments
[Adopted 7-23-1917 by Ord. No. 181, approved 8-6-1917]

§ 105-3. Assessment against adjoining property; collection.

The Council of the Borough of Narberth does hereby ordain that on and after the date of this Article the cost of all sewers constructed by the borough authorities shall be assessed as a sewage tax upon the property adjoining or adjacent to the said sewers by the foot-front rule, and that such assessments, duly certified under the seal of the borough, attested by the Mayor or President of Council and Secretary, shall be collected as provided by law.

Chapter 107

SHOPPING CARTS

[HISTORY: Adopted by the Council of the Borough of Narberth 9-14-1964 by Ord. No. 545, approved 9-14-1964. Section 107-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 107-1. Removal and abandonment prohibited.

No person shall remove a grocery or shopping cart from any store, shop, market or supermarket and leave or abandon such cart on any sidewalk, street, public parking lot or other property, public or private, not owned or controlled by the owner of such cart.

§ 107-2. Violations and penalties. [1]

Any person who shall violate the provisions of this chapter shall be liable, on conviction thereof, to a fine or penalty of not more than $300 or imprisonment for a term not to exceed 30 days, or both, for each and every offense. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 109

SNOW AND ICE REMOVAL

[HISTORY: Adopted by the Council of the Borough of Narberth 12-8-1980 by Ord. No. 702, approved 12-8-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 112.

§ 109-1. Duty to remove.

Whenever snow shall have fallen or ice shall have accumulated on the sidewalk or sidewalks of any property in the Borough of Narberth, it shall be the duty of the owner, occupant or tenant, and such owner, occupant or tenant is hereby required, to remove such snow or ice within 24 hours of the time when the fall of snow shall have ceased or the accumulation of ice shall have occurred and to provide a clear and unobstructed passage for the full width of the pavement as laid; provided, however, that when, by reason of unusual weather conditions, such snow shall have melted and then been frozen or when ice shall have accumulated on the sidewalk or sidewalks in such a manner as to resist removal, then in such cases such owners, occupants or tenants shall be required to remove the loose snow or ice and cover the remainder with sand, sawdust or other such material as may be approved by the Borough Manager or the Borough Highway Committee. Should snow or ice reaccumulate on the sidewalk or sidewalks of any property in the Borough of Narberth due to children at play, plowing operations or for any other reason, it is the responsibility of the owner, occupant or tenant to again see to its removal.

§ 109-2. Removal by borough upon noncompliance.

If such owner, occupant or tenant shall not have removed such snow or ice or covered the ice as provided in § 109-1 of this chapter, then the Borough Manager, at his discretion or at the direction of the Mayor, may have such snow or ice removed or ice covered, or both, at the then-current rates prevailing for labor and materials at the cost of such owner, occupant or tenant. The removal of snow or ice or the covering of ice by the Borough Manager as herein provided shall in no manner relieve said owner, occupant or tenant from the imposition of penalties as herein provided.

§ 109-3. Deposit of removed snow and ice; removal by borough upon noncompliance.

Any person, owner, occupant, tenant or contractor removing snow or ice from sidewalks, driveways, parking lots or private property shall not deposit same on any public street, road, right-of-way, parking space, sidewalk or other private property. All such snow or ice so deposited must be immediately removed. Should any person fail to maintain a free and clear public road or right-of-way, then the Borough Manager, at his discretion or at

the discretion of the Mayor, may have such snow or ice removed at the current rates prevailing for labor and equipment, and the cost of such removal shall be collected from the owner, occupant, tenant or contractor. The removal of said snow and ice shall in no manner relieve said owner, occupant, tenant or contractor from the imposition of penalties herein provided.

§ 109-4. Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction before any District Justice or court of competent jurisdiction, be sentenced to pay a fine not to exceed the sum of $300 for any one offense, recoverable with costs, or imprisonment not exceeding 30 days, or both.

Chapter 112

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Council of the Borough of Narberth: Arts. I through IV, at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Driveways and other access connections — See Ch. 61.
Snow and ice removal — See Ch. 109.

ARTICLE I
Street Openings and Obstructions
[Adopted at time of adoption of Code[1]]

§ 112-1. Definitions.

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

HIGHWAY — Any public street, road or bridge, and includes the roadway, gutter, curb, sidewalk and the whole legal width of the street, road or bridge.

PERSON — Any individual, partnership, association or corporation.

§ 112-2. Permit required to open highway or occupy with material.

On and after the passage of this Article, it shall be unlawful for any person to open or break any highway or to occupy any such highway with material for any purpose whatsoever unless and until a permit to do so shall have first been obtained as herein provided.

§ 112-3. Issuance of permit; duration.

Permits shall be issued by the Borough Manager on forms prepared by the Borough Manager and approved by the Council. No permit shall be issued under the provisions of this Article for a period longer than 30 days.

§ 112-4. Finding of necessity for permit.

When found to be necessary, the Borough Manager may issue a permit for the opening or breaking of highways or the depositing of material thereon, but in no case shall be issue a permit for the depositing of material on a public highway unless it shall have been found impossible to store the same upon abutting property within the line of the sidewalk thereof.

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1. **Editor's Note: See Ch. 1, General Provisions, Art. I.**

§ 112-5. Permit fees.

A. At the time a permit is issued, the person receiving same shall pay to the Borough Secretary a fee as herein provided, which fee shall be remitted by the Borough Secretary in full to the Borough Treasurer for the use of the borough, such remittances to be made by the Borough Secretary weekly or as otherwise required by the Council.

B. The charge for each permit covering the depositing of material on the highway shall be $1 for each day of 24 hours or fraction thereof for the period applied for.

C. The charge for each permit covering the opening or breaking of the highway shall be the sum of $25 for each square yard or fractional part thereof to be open or broken, but under no condition is the charge to be less than $25.

§ 112-6. Granting of permit to constitute agreement.

The granting of a permit for any purpose whatsoever under the provisions of this Article shall constitute an agreement on the part of the person making the application to comply with all terms thereof and with all the regulations and requirements of the Highway Committee now in force or hereafter adopted and to indemnify and save harmless the borough from and against all claims, demands and actions for damages, either to person or property, that may be sustained by any person by reason of or arising out of any work done under the application and permit.

§ 112-7. Conditions of permit to deposit material.

A. No permit for depositing material on the highway shall be issued except upon such terms and conditions as may be required by the Highway Committee or the Borough Manager. No such permit shall authorize the occupying of more than 1/3 of the width of the roadway.

B. Provisions shall be made by the applicant for such a permit for maintaining, at all times, a clean and unobstructed passage along the sidewalk at least four feet in width and a free passage for water in the gutter.

§ 112-8. Protection of openings and obstructions.

It shall be the duty of the person to whom a permit has been issued to protect all openings, material and obstructions of any kind in a highway or highway right-of-way with suitable barricades, flashing lights and other warning devices erected around and through the work site as necessary to protect motorists, pedestrians and abutters from injury and undue inconvenience, and as required by law, or such other protection as may be required by the Borough Manager or the Council Highway Committee.

§ 112-9. Violations and penalties.

Any person who shall violate any of the provisions of this Article or who shall fail to comply with the conditions and requirements shall be liable to a fine of not more than $300 or imprisonment for a period not exceeding 30 days, or both, in the discretion of the

District Justice imposing the same, the funds to be sued for and recovered in the name of the borough and for the use thereof as such debts are collectible by law.

ARTICLE II
Sidewalk and Curb Construction
[Adopted at time of adoption of Code[2]]

§ 112-10. Width and material conformance.

From and after the passage of this Article, it shall be unlawful to construct any new sidewalk or curb in the borough except to the width and of the materials hereinafter provided.

§ 112-11. Sidewalk specifications.

Any new or reconstructed sidewalk shall be not less than four feet in width and shall be constructed of concrete, except that the Council may, by resolution, permit the use of other material in specific cases.

§ 112-12. Curb specifications.

All curbs shall be constructed of either concrete which is at least six inches thick at the top or granite which is at least four inches thick. Any dirt or grass plot between sidewalk and curb shall be made even with both sidewalk and curb and shall be so maintained. In any case, curbs shall not be made integral with the adjoining sidewalk.

§ 112-13. Construction to borough specifications.

All sidewalks and curbs shall be of approved material and laid in accordance with the borough specifications which are on file in the borough office and may be there consulted.

§ 112-14. Line and grade.

No sidewalk or curb shall be laid until the line and grade thereof are established by either the Borough Engineer or a competent authority designated by the Council.

§ 112-15. Repairs.

Whenever in the judgment of the Highway Committee the existing sidewalk or curb on any property requires repairs and the owner of the said property is notified thereof in accordance with Article III of this chapter, the repairs may be made in such a manner as to replace said sidewalk or curb in substantially its original condition, provided that said repairs do not include more than 50% of the total frontage of the property on any one street. If, however, more than 50% of replacement is required, the entire frontage of the sidewalk or curb may be required to be replaced in accordance with the provisions of this Article.

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2. **Editor's Note: See Ch. 1, General Provisions, Art. I.**

§ 112-16. Violations and penalties; enforcement.

A fine of $300 or a term of imprisonment not to exceed 30 days, or both, may be imposed for any violation of this Article, to be recovered with costs of suit in the name of and for the use of the borough as penalties are now recoverable, and the person so offending shall be required to replace the defective curb or sidewalk with a suitable curb or sidewalk within a period of 10 days after due notice, in default of which the borough authorities may lay a suitable curb or sidewalk, the cost of the same being assessed against the owner of the property, together with the addition of a penalty of 10% thereto.

ARTICLE III
Sidewalk, Curb and Gutter Repairs
[Adopted at time of adoption of Code[3]]

§ 112-17. Duty of owner to repair or reconstruct.

Whenever any sidewalk, curb or gutter upon land abutting the side of a street in the Borough of Narberth has not been constructed according to borough requirements or is out of repair, the owner of such land is hereby required to repair or reconstruct the same in accordance with the specifications of the Highway Department.

§ 112-18. Violations and penalties.

Upon the neglect of any such owner to comply with § 112-17 of this Article, the Borough Manager shall cause written notice to be served as provided by law, setting forth the repairing or reconditioning required. Upon neglect of any owner to comply with said notice within 30 days after service thereof, said owner shall be liable to a fine of not more than $300 or imprisonment for a term not to exceed 30 days, or both, the funds to be sued for and recovered in the name of the borough and for the use thereof as such debts are collected by law.

ARTICLE IV
Driveways and Storage Areas; Curbs
[Adopted at time of adoption of Code[4]]

§ 112-19. Use of sidewalk as means of access.

It is hereby declared unlawful for any person, partnership or corporation to use any sidewalk or portion of a sidewalk in the Borough of Narberth as a driveway or means of ingress to and egress from any property without first having obtained from the Borough Manager a permit for the breaking of the curb, which permit may only be issued where there is located on the property a storage building, garage or place of entrance to a building where goods and merchandise can be delivered. Exceptions shall be made to the requirement for a permit where deliveries are occasional, when the curbing and sidewalk must be adequately protected.

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3. **Editor's Note: See Ch. 1, General Provisions, Art. I.**

4. **Editor's Note: See Ch. 1, General Provisions, Art. I.**

§ 112-20. Proximity of areas to center of street.

It is hereby declared unlawful for any person, partnership or corporation to use any portion of any property in the Borough of Narberth for the storage of goods, merchandise, materials, vehicles or machinery nearer than 50 feet to the center of the street, except that in R-5 Residence Districts vehicles may be parked up to the area required as a setback for the front or side yards.

§ 112-21. Violations and penalties.

Any person, partnership or corporation violating any of the provisions of this Article shall be liable, upon conviction before a District Justice, to a fine of not more than $300 and costs of prosecution or to imprisonment in the county prison for not more than 30 days, or both such fine and imprisonment.

Subdivision and Land Development Ordinance 895

Borough of Narberth

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Article I

Title, Purpose and Definitions

§ 113 - 1 Title/Purpose

This chapter shall be known and may be cited as the "Borough of Narberth Subdivision and Land Development Ordinance." This chapter is adopted for the following purposes:

A. To assist orderly, efficient, integrated and harmonious development of the Borough.

B. To assure the development of sites suitable for building purposes and human habitation.

C. To coordinate proposed streets with existing streets or other proposed streets or other features of the Borough

D. To provide adequate open spaces for traffic, recreation, light and air and for proper distribution of the population.

E. To ensure the conformance of subdivision and land development plans with the public improvements of the Borough.

§ 113 - 2 Definitions

ACCEPTED ENGINEERING PRACTICE – That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

ACCESSORY BUILDING – A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ALLEY – A common driveway serving the rear entrance of more than two (2) properties on which no dwellings shall front. An "alley" shall have road paving constructed in accordance with current specified standards.

ALTERATION – As applied to a building, any change or rearrangement in the structural parts or in the exit facilities or any enlargement, whether by extension on any side or by any increase in height or the moving from one location or position to another.

APPLICANT – A landowner or developer, as hereinafter defined, who has filed an application for approval of a development plan, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT PLAN – Applications required to be filed and approved prior to the start of subdivision or development.

BLOCK – An area bounded by streets, public parks, railroad rights-of-way, watercourses, boundary lines of the municipality or unsubdivided land or by any combination of the above.

BUILDING – A combination of materials to form a permanent structure having walls and a roof, including mobile homes and trailers, designed, intended or arranged for the housing, sheltering, enclosure or structural support of persons, animals or property of any kind.

BUILDING AREA – The aggregate of the maximum horizontal cross-sectional areas of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches, bay windows not extending through more than one (1) story and not projecting more than five (5) feet, one-story open porches projecting not more than ten (10) feet, steps and balconies.

BUILDING SETBACK LINE – The rear line of the minimum front yard as designated in Chapter 124, Zoning, for each district.

CARTWAY – The portion of a street or alley intended for vehicular use.

COMMON OPEN SPACE – A parcel or parcels of land or a combination of land and water within a development site, designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities. "Common open space" shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as appropriate for the recreation of residents.

COMMON PARKING – Any parking shared by two (2) or more uses.

CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CROSSWALK – A right-of-way for pedestrian use across a block, connecting two of the bounding roads.

CUT – An excavation; the difference between a point on the original ground and a designated point of lower elevation of the final grade; also, the material removed in an excavation.

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

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, the storage of equipment and materials, excavation or drilling operations

DEVELOPMENT PLAN – The provisions for guiding development, including a plan of subdivision, all covenants relating to use, the location and bulk of buildings and other structures, the intensity of use or density of development, streets and parking facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

DRIVEWAY – A private way providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.

DWELLING – A building designed and constructed for residential purposes, in which people live.

DWELLING UNIT – One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

EASEMENT – A right-of-way granted for the limited use of private land for a public or quasi-public purpose and within which the lessee or owner of the property shall not erect any permanent structure but shall have the right to make any other use of the land which is consistent with the rights of the grantee.

ENDORSEMENT – The application of the reviewing and/or approving authority's stamp and the signatures of the appropriate authority on the record plan.

ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania.

EXCAVATION – Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, as well as the conditions resulting there from.

FILL – Any act by which natural materials are placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface as well as the conditions resulting there from.

GRADE – A slope of a street or parcel of land specified in percent and shown on plans as specified herein.

GROUND COVER – Natural mulch or nondeciduous or low-growing plants installed or planted in such a manner as to provide a continuous cover over the ground.

HEIGHT – The "height" of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the "height."

HIGHWAY – The whole or part of any public street or avenue, public road, bridge or culvert, including the cartway, gutter, curb, sidewalk and the whole legal width of the right-of-way. A “highway” shall have concrete curbs, road paving and sidewalk paving provided, all to be constructed in accordance with current standard specifications.

IMPROVEMENT – Grading, paving, curbing, streetlights and signs, fire hydrants, wells, water mains, sanitary sewers, storm drains, sidewalks, parking areas or landscaping.

LAND DEVELOPMENT – Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

   (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a singe non residential building on a lot or lots regardless of the number of occupants or tenure; or

   (2) The division or allocation of land or space, whether initially or cumulatively between or

   (3) Among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. Subdivision of Land

LANDOWNER – The legal or beneficial owner or owners of land or a building thereon or a portion of either, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the "landowner" or other person having a proprietary interest in land shall be deemed to be a "landowner" for the purposes of this chapter.

LOT – The parcel of land on which a main building and any accessory buildings are placed, together with the required open spaces. The area of a “lot” shall be measured to the street line only.

LOT AREA – The area contained within the property lines of the individual parcels of land, excluding any area within any public rights-of-way and any area within driveway entrance strips leading to rear lots, but including the area of any easement.

OWNER – A person who is the registered owner of real estate to be subdivided and/or developed in accordance with the provisions of this chapter.

PARCEL – A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

PARKING SPACE – An open or covered area with a dust-free all-weather surface, or space in a private garage or other structure, for the storage of one automobile, accessible from a public way and which must conform to the setback requirements of the district in which it is situated.

PERSON – An individual or individuals, partnership or corporation.

PLAN, IMPROVEMENT CONSTRUCTION – A plan showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this chapter showing the details required by Article II of this chapter.

PLAN, LAND DEVELOPMENT – A tentative, preliminary or final plan, including written and graphic material showing the provision for development of a tract, when plans of subdivision would not be applicable.

PLAN, PRELIMINARY – A plan prepared for discussion with the Planning Commission and Borough Council, submitted for approval, showing the proposed street and lot layout, the deed restrictions, easements and all other items required under Article II of this chapter for the entire parcel of land being subdivided.

PLAN, RECORD – A plan prepared for recording showing the ultimate width of streets, the lot lines, easements and all other items required under Article II of this chapter.

PLAN, TENTATIVE – A plan showing proposed streets, lots or buildings related to topography, prepared for discussion with the Planning Commission and Borough Council, which may be submitted for approval as required by Article II, or which when not required may be used as the basis for informal discussion between the representatives of the Planning Commission and the subdivider, developer or builder.

PUBLIC NOTICE – A notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days nor less than 14 days from the date of the hearing.

RESERVE STRIP – A parcel of land separating a street from adjacent properties.

RUNOFF – The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow, that does not enter the soil but runs off the surface of land.

RUNOFF FROM A FULLY DEVELOPED AREA UPSTREAM -- The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning.

SEDIMENTATION – The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited or remains suspended in water, it is usually referred to as "sediment."

SHRUB – A woody perennial plant having persistent woody stems branching from the base.

SIGHT TRIANGLE – The distance of obstructed view along the centerline of a street from the driver's sight height to the farthest visible point three and one half (3-1/2) feet above the street surface.

SLOPE – The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. "Slopes" are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL STABILIZATION – The chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

SOIL SURVEY – A report entitled "Soil Survey of Montgomery County, Pennsylvania," published April 1967, by the Soil Conservation Service, United States Department of Agriculture, and which is available in the Borough or through the Extension Service, Agricultural Agent, the Pennsylvania State University in Norristown.

STREET – See Highway

STREET LINE – The line of dedication in the case of a dedicated street and a line each side of the center line in the case of a private road.

STRUCTURE – Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, factories, sheds, cabins, mobile homes and other similar items.

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or of building or lot development.

SUBDIVISION, MINOR – A simplified plan for subdivision meeting the requirements specified in § 113.6.F herein.

SUBSTANTIALLY COMPLETED – Where, in the judgment of the Borough, at least 90% based on the cost of the required improvements for which financial security was posted pursuant to Article IV of this chapter, of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SWALE – A low-lying stretch of land which gathers or carries surface water runoff.

TOPSOIL – Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. "Topsoil" is usually found in the uppermost soil layer called the "A Horizon."

TRACT – An area, parcel, site, piece of land, or property that is the subject of a development application.

TRACT AREA – The total acreage within the property lines, excluding that area continuously covered by water and the rights-of-way of existing public roads and overhead utility lines without regard to any internal lot lines.

TREE – Any woody plant with a well-defined stem at least two (2) inches in caliper measured at a height four feet six inches (4 1/2') above the natural grade.

WATERCOURSE – A permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or man-made.

YARD, FRONT – The required open space extending along the street line any street on which the lot abuts in accordance with the applicable district requirements in the Borough Zoning Ordinance.

YARD, REAR – The required open space extending along the rear lot line in accordance with the applicable district requirements in the Borough Zoning Ordinance.

YARD, SIDE – The required open space extending along the side lot line throughout the whole depth of the lot in accordance with the applicable district requirements in the Borough Zoning Ordinance.

Article II
Plan Submission

§ 113-3 Applicability.

The procedures set forth in this article shall be followed by all applicants proposing to subdivide or develop land in the Borough of Narberth.

§ 113-4. Approval of plan required.

It shall be unlawful for the owner of any land in the Borough to subdivide the same into two (2) or more lots or parcels or for any other person to knowingly take part in or assist in the subdividing of any land in the Borough into two (2) or more lots or parcels, unless and until a plan thereof shall have been prepared by a registered professional engineer, surveyor, or landscape architect in accordance with the Engineer, Land Surveyor and Geologist Registration Law and/or Landscape Architects' Registration Law of Pennsylvania, submitted to and approved in writing thereon by the Borough Council and, when so approved, duly recorded in the office of the Recorder of Deeds. It shall be similarly unlawful for the owner of any land to undertake a land development, as defined in this Chapter, unless and until a plan thereof shall have been prepared by a registered professional engineer or landscape architect, in accordance with the Engineer, Land Surveyor and Geologist Registration Law and/or Landscape Architects' Registration Law of Pennsylvania, submitted to and approved in writing thereon by the Borough Council and, when so approved, duly recorded in the office of the Recorder of Deeds.

A. At the time of the filing of a subdivision or land development plan and application for approval thereof, the owner shall pay to the Borough of Narberth an application fee, as set by resolution of Borough Council.

B. If the Borough Council shall hold a public hearing before acting upon said subdivision or land development application, the owner shall pay an additional fee to the Borough of Narberth to defray the expense of advertising notice of such hearing and the services of a public stenographers, as set by resolution of Borough Council.

§ 113-5. Fees and costs.

The applicant shall be required to pay the following fees and costs:

A. Tentative Sketch Plan. Fees are established by resolution of Borough Council.

B. Preliminary plan. Fees are established by resolution by the Borough Council. In addition to fees established by resolution, all charges in Subsection C(1) through C (4) also apply.

C. Final plan. No fee will be charged for filing a construction improvement plan or a record plan unless no preliminary plan has been filed, in which case the fees established for preliminary plans will be charged. In addition, all fees listed in Subsection C(1) through C(4) apply:

(1) Engineering services. The services of the Borough Engineer, as provided in these rules and regulations. In addition, all costs for other engineering and professional consultation or certification as deemed necessary.

(2) Material and facilities tests. The actual cost of all drainage, water and/or material tests.

(3) Inspection. The services of the appropriate Borough official based on fees set by resolution of Borough Council.

(4) Dedication. Legal fees, advertising and other costs involved in the dedication of streets and public improvements to the Borough.

D. Review fees. In addition to any other fees or costs payable as set forth above, the applicant shall pay for all other review fees including reasonable and necessary charges by the Borough's professional consultants, Solicitor or Engineer for review and report thereon to the Borough Council. Such review fees shall be placed in escrow and shall be based upon a schedule established by resolution of Borough Council from time to time.

§ 113-6. Plans required for approval of subdivision or land development.

Applicants shall be required to submit the following plans:

A. A tentative sketch plan as described in § 113-7 herein shall be submitted by an applicant requesting to subdivide a parcel of land into two (2) or more lots and/or any land development. Said tentative sketch plan shall be submitted prior to the submission of a preliminary plan; applicants requesting a minor subdivision, as defined herein, may proceed to submit a preliminary plan as described in § 113-8 herein without submitting a tentative sketch plan. Applicants requesting a minor subdivision may elect to submit a tentative sketch plan and if such is submitted, it

shall be processed and approved in the same manner as a required tentative sketch plan.

B. A preliminary plan is required for all subdivisions and land developments proposed within the Borough.

C. A final plan is required for all subdivisions and land developments proposed within the Borough.

(1) A final plan shall consist of two parts:

(a) An improvements construction plan as described in § 113-7.A. herein, to be submitted when applicable.

(b) A record plan as described in § 113-7.B. herein, to be submitted for all subdivisions and land developments.

(2) A plan showing all information required for a final plan, which has been submitted as a preliminary plan and for which no changes have been required by the Borough, may be approved as a final plan.

D. A land development plan shall be required whenever the application for approval shall be construed to be a land development in accordance with the definition of the same as provided in this chapter. A land development plan may be required in conjunction with a subdivision plan or in lieu of a subdivision plan when review of a plan on a lot-by-lot basis would not be applicable.

E. Where the Borough Council has approved a multibuilding development plan, the owner thereof may subdivide, for mortgage or other financial purposes only, the land upon which such buildings are to be constructed, and the individual lots which are created as a result of such subdivision shall be exempt from area, setback, buffer, frontage and other similar requirements which are intended for application to the development as a whole.

(1) The foregoing shall be approved only if there is provided a duly executed and acknowledged agreement, to be recorded at the time of subdivision in a form acceptable to the Borough Solicitor, which:

(a) Requires each of the subdivided lots to be operated and maintained as an integral part of the previously approved development plan in accordance with these regulations.

(b) Ensures that each lot will have permanent means of access and adequate parking.

(c) Prohibits said lots from being treated as separate development parcels at a future time.

(d) Governs the formation of an association responsible for the maintenance of all common areas, which shall be jointly owned by the owners of the individual development parcels.

(2) Where parking areas are included within a lot and are intended to be used by more than one building or lot, such areas shall be included within the common area maintenance agreement or shall be governed by a separate cross-easement agreement. Such agreement shall further provide that for all purposes, the entire development shall be treated as one lot subject to all of the Borough's then-enacted ordinances and regulations.

F. The Borough may accept a simplified subdivision plan herein to be considered a minor subdivision in such instances in which a lot line(s) is to be relocated or land is to be added to an existing lot from an adjacent tract of land, with no additional lot(s) being created, and no new construction proposed except single-family development as herein above described will occur on the lot(s). All lots affected by the lot line change shall meet all applicable zoning regulations. Common deeds shall be executed for all lots resulting from addition of land. For any minor subdivision, the applicant shall be required to include, at a minimum, those items in §§ 113-8. C., D. and E. as may be relevant or necessary to evaluate the proposed plan. Any other information necessary for adequate plan review may be required by the Borough.

§ 113-7. Tentative sketch plan.

An applicant submitting a tentative sketch plan shall show the following information:

A. A location plan showing the relationship of the subject tract to the surrounding road network and major physical features.

B. The tract boundary, a North point and the location by deed plotting.

C. A plan at a scale of one inch equals 200 feet. If the proposed plan cannot be represented on a single sheet at this scale, the applicant should also submit a composite plan showing the entire development proposal at a scale less than one inch equals 200 feet.

D. The existing and proposed road, parking and lot (or building) layout, as applicable.

E. Significant topographical and physical features, such as floodplains, steep slopes, woodlands and existing structures.

F. The intended use(s) of the tract.

G. For land development, all the applicable items listed under § 113-10.

H. Topography of the subject tract following the requirements contained in § 113-8.(C) herein.

I. General locations to be utilized for stormwater management. The approximate land area to be covered by any detention or retention basins or to be used for underground retention should be indicated.

J. Parcel number and block and unit number, as assigned by the Montgomery County Board of Assessment.

K. The six-digit Montgomery County Planning Commission (MCPC) file number if such has been assigned to the plan in a previous submission.

§ 113-8. Preliminary plan.

Applicants submitting a preliminary plan for subdivision shall conform to the following standards:

A. Drafting standards.

(1) The scale of the plan shall not be smaller than 100 feet to the inch and shall be accurate to within one part in 300.

(2) Dimensions shall be in feet or meters and decimals and bearings in degrees, minutes and seconds.

(3) The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.

(4) The sheet or sheets shall be one of the following sizes: 15 by 18 inches, 18 by 30 inches, or 24 by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan, i.e., Sheet No. 1 of 5 sheets, etc.

(5) Where there are two or more sheets, a key map shall be provided sufficient to show their relationship.

(6) All plan lettering, words and numbers shall be at least 0.1 inch in height

B. Location and identification. Each plan shall provide:

(1) A title consisting of the name and address of the property owner, subdivider, developer or builder and the registered engineer, surveyor or qualified site planner who developed the plan.

(2) The name of the subdivision, its location in terms of significant bounding roads and the name of the municipality.

(3) The date of preparation of the plan, the scale and a North point.

(4) The entire tract boundary with bearings and distances.

(5) A location map drawn to scale relating the subdivision to at least three existing intersections of Borough roads.

(6) Parcel number and block and unit number, as assigned by the Montgomery County Board of Assessment.

(7) The six-digit Montgomery County Planning Commission (MCPC) file number if such has been assigned to the plan in a previous submission.

C. Existing and proposed features.

(1) Within 100 feet of any part of the land being subdivided or developed, the plan shall show the location, names, widths (both cartway and right-of-way) and surface conditions of all existing roads, as well as the location of watercourses, bodies of water, floodplains, wetlands, steep slopes, sanitary and storm sewers, utilities above and below ground and any other man-made or natural features

having an impact on the ability of the applicant to subdivide or develop the land in question, and areas subject to deed restrictions.

(2) Within the land to be subdivided, the plan shall show the location, names, widths and other dimensions, including centerline courses, distances and curve data, paving widths, curblines, rights-of-way and curbline radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing and planned roads and alleys, as well as the location of watercourses, bodies of waters, floodplains, wetlands, slopes of less than fifteen percent (15%), slopes of fifteen to twenty five percent (15–25%) and slopes in excess of twenty-five percent (25%), sanitary and storm sewers, utilities above and below ground and any other man-made or natural features having an impact on the ability of the applicant to subdivide the land in question and areas subject to deed restrictions.

(3) The plan shall show contours at vertical intervals of two feet. These contours may be established by field survey or taken from aerial photography. In location where the contour intervals exceed 100 feet horizontally, spot elevations shall be used. Where available, the Borough sanitary sewer datum shall be used. In all other areas, the elevations shall be based upon the United States Geological Survey datum unless some other datum is granted by the Borough. The use of contours from United States Geological Survey maps or other sources shall be allowed only upon Borough approval. Contours shall extend at least 50 feet beyond the property lines of the proposed subdivision or development.

(4) The plan shall show the location and character of existing buildings, the locations, species and sizes of trees six (6) inches of caliper or greater and the location of quarries, marshland, and other topographical features which may affect the location of proposed roads or buildings.

(5) All plans shall be drawn to assure that:

(a) Proposals are consistent with the need to minimize flood damage.

(b) Public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

(d) The developer has reviewed the site for wetland area constraints and designed the plans to protect the wetlands or applied for permits as needed to intrude upon the wetlands.

(6) The developer shall provide a document which is certified by a qualified engineer which states that adequate precautions against flood damage have been taken with respect to the design of any buildings or structures located wholly or partially within the flood-prone area. The document shall contain any and all data and calculations the Borough Engineer shall deem necessary.

(7) The developer shall submit the required plans and supplemental data to the following agencies when applicable: The Department of Environment Protection, The Corps of Engineers, The Montgomery County Conservation District, the Borough Municipal Authority Engineer and the Borough Fire Marshal.

(8) The plan shall show the measured distances from the legal rights-of-way of existing and proposed roads to existing and proposed buildings and parking areas.

(9) The depth of the water table shall be noted on the plan or in a separate report, along with the location of test borings.

(10) The plan shall include zoning district boundaries and zoning data requirements and the requirements of any other Borough ordinance or Zoning Hearing Board decisions, if any, on both the land to be subdivided and the adjacent land.

D. Proposed road and lot layout.

(1) The plan shall show the layout of all streets, alleys and walkways, including the names and widths of cartways and rights-of-way.

(2) The plan shall show the layout and dimensions of all lots and the net lot area of each.

(3) The plan shall reference any land to be dedicated for public or common use.

(4) The plan shall show preliminary profiles for all new roads and existing roads which are adjacent to the tract. Profiles shall extend onto adjacent land at least 100 feet when the roadway is proposed to the property line.

(5) The plan shall show the location and size of the sanitary sewers, water systems and storm drains proposed to serve the subdivision. Drainage computations and a drainage area plan shall be provided for review by the Borough. Profiles shall be provided for sanitary and storm sewers when the roadway profiles cannot be utilized.

(6) The plan shall show all building setback lines with distances from the right-of-way line.

(7) The plan shall indicate those lots or areas which shall contain a use or uses other than residential.

(8) When there are existing buildings located on the land being subdivided or developed, the buildings to be demolished, as well as those to be retained, shall be indicated.

(9) The plan shall include a statement showing the number of acres being subdivided, the number of lots created, the type, number and size of buildings and their character, the linear feet of new roads; the linear feet of roads to be widened, the minimum, maximum and average lot sizes.

E. Proposed improvements.

(1) The plan shall contain a tentative cross-section for each proposed or widened roadway shown on the preliminary plan.

(2) The plan shall show preliminary design of any bridges, culverts or other structures and appurtenances which may be required.

F. Certificates. Upon approval, the preliminary plan must show:

(1) The signature of the subdivider, developer or builder certifying his adoption of the plan and any changes thereto.

(2) The signature of the Borough Secretary certifying that the Borough Council has approved the plan and any changes thereto on the date shown.

§ 113-9. Final plan.

Applicants submitting a final plan shall conform to the following standards:

A. Improvements construction plan.

(1) Drafting standards. The same standards shall be required for an improvements construction plan as for a preliminary plan, except that the horizontal scale of the plan and profile shall be at least 50 feet to the inch and the vertical scale shall be five feet to the inch.

(2) Information to be shown. The plan shall contain sufficient information to provide working plans for the construction of the proposed roads or any portion thereof, including all appurtenances, sewers and utilities, as shown on the approved preliminary plan from one existing or approved road to another or, in the case of a cul-de-sac, to its turnaround. Said information shall include:

(a) Horizontal plan. The horizontal plan shall show details of the horizontal layout as follows:

[1] Information shown on the approved preliminary plan.

[2] The beginning and end of the proposed immediate construction.

[3] Stations corresponding to those shown on the profile.

[4] The curb elevation at tangent points or horizontal curves at road or alley intersections and at the projected intersections of the curblines.

[5] The location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric and other utility pipes or conduits and of storm drains, inlets and manholes.

[6] The location, type and size of curbs and all paving widths.

[7] The location and species of all shade trees and the location and types of fire hydrants and streetlights.

[8] All utilities shall be shown together on the same sheet.

(b) Profiles. Profiles shall be provided for the following:

[1] Profiles of sanitary sewers with a profile over the sewer of the present and finished ground surface, showing manhole locations beginning at the lowest manhole.

[2] Profiles of all existing and proposed roadways with grades at least every 50 feet of the original ground and finished grade.

[3] Profiles of storm drains showing the location of endwalls, inlets, manholes and all other structures.

(c) Cross-section. The cross-section shall comply with the Borough Engineer's standards and specifications as minimum requirements. It shall show a typical cross-section across the road with details of grading and construction as follows:

[1] The road and the location and width of paving within the road.

[2] The type, depth and crown of paving.

[3] The type and size of curb.

[4] When sidewalks are required, grading of the sidewalk area should be carried to the full width of the road, and slopes of cut or fill extended beyond the road.

[5] The location, width, type and depth of sidewalks, when required.

[6] The typical location, size and depths of sewers and utilities.

[7] A note shall be placed on the plan which indicates that on underdrain, extra-depth stone base or fabric may be required by the Borough when field conditions indicate a need for such requirements

B. Record plan.

(1) Drafting standards.

(a) The same standards shall be required for the record plan as for a preliminary plan.

(b) The plan shall be placed on sheet sizes of 15 by 18 inches, 18 by 30 inches or 24 by 36 inches.

(c) All plan lettering, words and numbers shall be at least 0.1 inch in height.

(d) The plan shall have a written and graphic scale, and a listing of all the plan sheets which are a part of the construction design.

(e) The plan shall have a two-inch-wide margin on the left edge of the plan to allow for binding in a record volume.

(2) Information to be shown. The plan, which shall include all portions of an approved preliminary plan, shall show:

(a) A title, as required for a preliminary plan.

(b) Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than one part in 2,500.

(c) The names of abutting owners, the names, locations, widths and other dimensions of all roads, including center line courses, distances and curve data, and descriptive data of ultimate right-of-way lines so that a single deed may be drawn to the appropriate authority for the dedication of roads by the subdivider, developer or builder.

(d) Evidence should be provided that the plans are in conformance with Chapter 124, Zoning, and other applicable Borough ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception or variance has been officially authorized.

(e) The location, material and size of all monuments with reference to them.

(f) Building envelope with distances from the ultimate right-of-way line and/or property lines.

(g) Restrictions in the deed affecting the subdivision of the property.

(h) The following requirement shall be placed on the plan as designated by the Borough: The legal right-of-way for existing roads and new road rights-of-way shown on this plan are hereby offered for dedication to the applicable governmental agencies.

(i) The plan should indicate all easements and their dimensions, limits of the floodplains, steep slopes, and wetlands and all other restrictions to the building areas.

(3) Certificates. Before approval, the following applicable certifications shall appear on the record plan. All certifications shall be properly signed and sealed.

(a) Owner's certification.

Commonwealth of Pennsylvania

County of Montgomery

On the day of _____ 20__ , before me, the subscriber, a Notary Public of the Commonwealth of Pennsylvania, residing in _____ , personally appeared _____ , who acknowledged himself (themselves) to be the owner(s) of the land shown hereon. All necessary approvals of this plan have been obtained and is endorsed thereon and I (we) desire that this plan be duly recorded.

_____ _____

Notary Public My Commission Expires

I (We) do hereby certify that I am (we are) the sole registered owner(s) of the land herein subdivided and that there are no suits pending affecting the title of the same and that I (We) do hereby adopt this plan and desire the same to be recorded. I (We) do further save the Borough harmless and indemnify the Borough of Narberth against any liability or loss resulting from the subdivision or development of this plat, for whatever reason present or future.

_____ _____

Owner Owner

(b) Corporate certification.

Commonwealth of Pennsylvania

County of Montgomery

On the _____ day of _____20__ , before me, the subscriber, a Notary Public of the Commonwealth of Pennsylvania, residing in _____ personally appeared _____ , who acknowledged himself to be the _____ of_____ , a corporation, and that as such being authorized to do so, he executed the foregoing plan by signing the name of said corporation by himself as that said corporation is the owner of the land shown hereon. All necessary approvals of this plan have been obtained and is endorsed thereon and said corporation desires that this plan be duly recorded.

_____ _____

Notary Public My Commission Expires

I, _____ , acknowledge myself to be the _____ of _____ , a corporation, and that as such being authorized to do so, hereby certify that the corporation is the sole registered owner of the land herein subdivided and that there are no suits pending affecting the title of the same and that I do hereby adopt this plan and desire the same to be recorded. I do further save the Borough harmless and indemnify the Borough of Narberth against any liability or loss resulting from the subdivision or development of this plat for whatever reason present or future.

_____ _____

Corporate Official Office

(c) Surveyor's certification.

I hereby certify that the plan shown and described hereon, as well as all other drawings which are a part of this plan set, are true and correct to the accuracy required by the Narberth Subdivision and Land Development Ordinance and were prepared by me or under my direction, for which I accept full responsibility, and represent a field survey performed by me or under my direction. The existing perimeter monuments shown hereon have been located as part of the survey and all other proposed perimeter monuments shall be set.

_____ _____

Date Surveyor

(d) Borough Council's certification.

This plan has been approved by Narberth Borough Council this ____ day of _____ , 20__.

_____ _____

Chairman Attested: Borough Manager

(e) Wetlands certification.

I do hereby certify that the delineation of the wetlands shown on this plan is in accordance with the findings of my field investigation and that I have determined these limits based upon the Corps of Engineer guidelines.

_____ _____

Date Signature

(f) County recording note.

Recorded in the office of the Recorder of Deeds in Norristown, Pennsylvania, in Plan Book _____, Page _____ , on the _____ day of _____ , 20__.

(g) A block at least three (3) inches by two (2) inches shall also be provided for placement of the stamp and seal of the Montgomery County Planning Commission; this block shall be located within one inch of the right hand plan border.

(h) Permits. The developer shall obtain all necessary permits and approvals from all governmental agencies which have jurisdiction over this project unless a waiver is granted by the Borough Council. This would include such agencies as follows: the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, United States Corps of Engineers, etc.

§ 113-10. Land development plans.

Applicants submitting a land development plan shall be required to show the following information as part of the tentative sketch plan submission or the preliminary plan if such is the first submission, in addition to the applicable information in §§ 113-7 and 113-8 of this article.

A. Man-made features for the use of two or more prospective occupants.

B. The lot size, floor area or gross leasable area, as applicable.

C. The present and requested zoning classification and applicable standards with which compliance is necessary for granting final approval.

D. The density and/or intensity of use, including the bedroom mix, if applicable.

E. The total building coverage and the area of the total tract devoted to each use or group of uses, if applicable.

F. The location and placement of accessory structures and facilities.

G. All roads, parking facilities and pedestrianways, including the total number of parking spaces.

H. The areas of proposed common open space, if any, or recreation or other community facilities.

I. A conceptual site utilization layout defining the general location of all proposed uses and activities.

J. Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon.

K. All covenants relating to use.

L. Parcel number and block and unit number, as assigned by the Montgomery County Board of Assessment.

M. The six-digit Montgomery County Planning Commission (MCPC) file number if such as been assigned to the plan in a previous submission.

§ 113-11. Sale and building construction restrictions.

No lot in a subdivision may be sold and no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued and no building may be erected in a subdivision, or land development unless and until a subdivision or land development plan has been approved and recorded and until the improvements required by the Borough Council in connection therewith have been guaranteed as herein provided. All buildings erected on any lot in any subdivision or as part of a land development covered by this chapter shall comply with the terms of the Building Ordinance of the Borough of Narberth, adopted April 13, 1942, as amended.

§ 113-12. Road construction permit required; preparation and review of plans.

It shall be unlawful for any person, firm or corporation to construct, open or dedicate any road, street, land or common driveway or any drainage facilities in connection therewith for public use or travel or to stop, fill up, confine, pave or otherwise interfere with or change the course of any drain, ditch, stream or watercourse in the Borough of Narberth, without first obtaining from the Borough Council of the Borough of Narberth a road construction permit authorizing such work to be performed; and no road, street, land or common driveway or drainage facilities in connection therewith shall be constructed, opened or dedicated and no drain, ditch, stream or watercourse shall be stopped, filled up, confined, paved or otherwise interfered with or the course thereof changed, except in strict accordance with the terms and conditions of such permit and with the plans, specifications and other documents submitted with the application for said permit. Provided, however, that any such improvement which are part of a subdivision or land development, shall not be installed until the subdivision or land development has been approved as prescribed in this chapter.

A. In all cases, plans for said improvements shall be drawn in accordance with the requirements for an Improvement s Construction Plan as contained in Section 113-6.A. herein.

B. Before acting upon any such permit, the Borough Council may, in its discretion, arrange for a public hearing with respect to the same after giving such notice as it may deem desirable under the circumstances. The Borough Council may after such plans and specifications and specify any changes or modifications of any kind which it may deem necessary with respect thereto and may make the granting of any permit subject to any such alterations, changes or modifications.

§ 113-13. Plan processing procedures.

The following plan processing procedures shall be followed by all applicants for approval of a subdivision or land development plan:

A. All plans filed for approval shall be submitted in the following order:

(1) Tentative sketch plan (as required).

(2) Preliminary plan.

(3) Final plan.

B. An applicant shall submit not less than seventeen (17) copies of each plan to the Borough Manager or the Manager's designated agent.

C. Each plan, whether tentative, preliminary or final, shall be filed one at a time; no subsequent plans shall be filed until a decision on the preceding plan has been reached.

D. When the decision reached concerning an application for approval of a specific plan results in a denial of the plan, then the applicant, when and if he should reapply requesting approval of the plan, shall do so in accordance with the plan sequence outlined in Subsection A herein and the additional procedures below.

E. Applications for approval of a subdivision or land development plan shall be received by the Borough Manager or the Manager's designated agent. Submittal and processing of plans and specifications for such plans shall accompany the applications.

F. The applicant or his agent shall be required to appear in person at the Borough Building in order to make application for approval of a plan and file plans therewith.

G. Formal application shall be received on the first Monday of each month, from which time all applications for approval of a plan, whether tentative or preliminary, shall be acted upon by Borough Council, and such decision shall be communicated to the applicant, in writing, not later than the prescribed time period after the date of formal application as is required for such response.

H. Any application for approval of a subdivision or land development plan shall not be received until the required fees and subdivision and land development plan checklist requirements have been met.

I. From the time an application for approval of the plan is received, and while such application is pending approval or disapproval, no change or amendment of zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant. The applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was received.

J. Schedule of plan processing steps.

(1) Applications for subdivision or land development, accompanied by seventeen (17) copies of the proposed plan, shall be received at the Borough Building by the Borough Manager or the Manager's designated agent and shall be reviewed for completeness within ten (10) calendar days of filing.

(2) The date shall be stamped on each copy of the plan, and two fees shall be received:

(a) The Borough filing fee.

(b) The Montgomery County Planning Commission Act 247 review fee.

(3) An examination of the plan(s) will be conducted to ensure basic compliance with the plan submission requirements of this article. If the Manager or the Manager's designated agent determines that the application is not complete in accordance with the provisions herein, the application process shall stop at this point and the applicant will be notified in writing. If it is determined to be complete, the process shall continue to the following steps. If no determination is made, the application will be deemed complete at the end of the ten day period.

(4) The Borough Manager shall distribute copies of the plan to the following persons, agencies or groups:

(a) The Montgomery County Planning Commission.

(b) The Borough Engineer.

(c) The Borough Council (seven copies).

(d) The Borough Manager.

(e) The Borough Planning Commission (five copies).

(f) The Borough Fire Marshal Commission.

(g) The Borough Zoning Officer.

(h) Lower Merion Township when appropriate

(i) Additional copies as Council may deem necessary.

(5) The application for approval of a subdivision or land development plan shall be placed on the next meeting agenda of the Borough Planning Commission.

(6) Recommendations of the Montgomery County Planning Commission, the Borough Planning Commission, the Borough Engineer and others shall be submitted to the Borough Council no later than thirty (30) days from the date that the application is deemed complete.

(7) The Borough Council shall act on the plan not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed (which shall be considered the date upon which it is declared to be complete by the Borough Manager or the Manager's designated agent), or after a final order of the court remanding an application, provided that, should said next regular meeting occur more than thirty (30) days following the filing of the application, or the final order of the court, said ninety-day period shall be measured from the 30th day following the day the application has been filed or the order of the court. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. The following optional consequences shall result from action by the Board:

(a) If the Board approves the plan, the Borough Manager will so certify thereon and two (2) copies of the approved plan will be forwarded to the applicant. The applicant would then resubmit four (4) copies of the approved plan, one (1) paper copy and three (3) linen copies for seal and signatures.

(b) The Borough may elect to grant approval of a plat, whether tentative or preliminary, subject to conditions acceptable to the applicant. If such conditional approval is given by the Borough, the applicant shall be required to accept or reject the conditions by giving written notice of the applicant's acceptance or rejection within ten (10) days after notice of the Borough's conditional approval has been communicated to the applicant personally or mailed to him at his last known address. Any such conditional approval shall be rescinded automatically upon the applicant's failure to accept or reject the conditions within such ten-day period.

(c) If the Board disapproves the plan, the Borough Manager will notify the applicant, in writing, of the defects in the application, will describe the

requirements which have not been met and shall cite the provisions of state law or Borough ordinance relied upon.

(8) Preliminary plans, complying with all applicable requirements, shall be filed with the Borough Manager within twelve (12) months from the date of the tentative sketch plan approval. Failure to comply with the time limitation provided shall make the approval of the tentative sketch plan null and void unless an extension of time is granted in accordance with this section. The twelve month period may be extended by Borough Council upon application by the applicant filed in writing within said twelve month period upon demonstration of the following:

(a) That one (1) or more conditions that existed at the time of tentative sketch plan approval have changed.

(b) That such change of circumstances was beyond the applicant's control and has prevented submission of the preliminary plan within the twelve-month period.

(c) That such circumstances have been overcome or will be overcome in the foreseeable future.

(9) When all conditions of approval required by the preliminary plan approval have been obtained as required by this chapter, the developer shall submit a final plan showing all lot lines, improvements and other features of the subdivision or land development and shall submit same to the Borough Manager or the Manager's designated agent for review and confirmation of compliance with such conditions. If there are no conditions of approval, the preliminary plan may be submitted as the final plan. Upon obtaining the approval of the Borough, the developer will record the final plan, with evidence of such approval, in the office for the recording of deeds for Montgomery County. The final plan, complying with all applicable requirements, shall be filed with the Borough Manager or the Manager's designated agent for a final approval within twelve (12) month form the date of the approval of the preliminary plan. Failure to comply with the time limitation herein provided shall make the approval null and void unless and extension of time is granted in accordance with this section. The twelve month period may be extended by Borough Council upon application by the applicant filed in writing within said twelve month period upon demonstration of the following:

(a) That one (1) or more conditions that existed at the time of tentative sketch plan approval have changed.

(b) That such change of circumstances was beyond the applicant's control and has prevented submission of the preliminary plan within the twelve-month period.

(c) That such circumstances have been overcome or will be overcome in the foreseeable future.

(10) Two (2) reproducible drawings, of a material and size that is acceptable to the Recorder of Deeds of Montgomery County, together with five (5) paper prints shall be accompanied by an application for final plan approval.

(11) When an approval or conditional approval of a plan is granted, no subsequent change or amendment in zoning, subdivision or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval unless said period is extended by the Borough Council. Where final plan approval is preceded by preliminary approval, the five-year period shall be counted from the date of preliminary approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval or a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

(12) In addition, where the landowner has substantially completed the required improvements as depicted on the final plat within the five-year limit or any extension thereof as may be granted by the Borough Council, no change of municipal ordinance or plan enacted after the date of the filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, road or utility location.

(13) If the development is proposed in phases in which the installation of improvements shall extend beyond the five-year period, then the following shall be done:

(a) The landowner shall file a schedule along with the preliminary plan. Said schedule shall depict the proposed development sections and include deadlines within which application for final plan approval of each section is intended to be filed. The schedule shall be updated annually by the applicant on or before the anniversary date of preliminary plan approval. The schedule update must be done until final plan approval for the final section is granted. Said schedule and its modifications are subject to approval of the Borough Council.

(b) In the case of residential subdivision or land developments which are to be developed in sections, each section except the final section must contain at least twenty five percent (25%) of the total number of dwelling units in the entire development. However, the Borough Council may approve a lesser percentage.

(c) If the landowner does not adhere to the schedule of submission of final plans for the various sections, then any changes in zoning, subdivision or other governing ordinances enacted after the date of the initial preliminary plan submission shall affect his property.

(d) If the landowner does not default with regard to the schedule of submission of the final plan for the various sections, has not violated any conditions of preliminary approval and has substantially completed the initial section of the development within the five-year period, then an additional term or terms of three years shall be extended to the applicant to complete each of the other sections. The extended term or terms shall begin from the date of final plan approval for each section. During this three-year period no change in municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, road or utility location.

§ 113-14. Recording the plan.

Within ninety (90) days following final plan approval or the date the approval of Borough Council is noted on the plat, the applicant shall record the final plan in the office of the Recorder of Deeds of Montgomery County.

A. In accordance with the Pennsylvania Municipalities Planning Code, whenever final plan approval is required by a municipality, the Recorder of Deeds shall not accept any plan for recording unless it contains the official approval of the municipal governing body and certification of review by the County Planning Commission.

B. Prior to recording, the applicant should present the municipality-approved plan to the Montgomery County Planning Commission for its stamp and seal, with one (1) paper copy made available to the County Planning Commission for its files.

Article III

Design Standards

§ 113-15. General principles and requirements.

The following principles of subdivision and land development, general requirements and minimum standards of design shall be observed by the applicant in all instances.

A. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.

B. When a portion of a tract is being reviewed relative to subdivision and land development, but where future subdivision or development is imminent, the applicant shall demonstrate that the remainder of the tract or parcel may be subdivided or developed in conformance with the existing zoning classification of land use in a logical and satisfactory manner, as a condition of approval of his plan.

C. Whenever possible, applicants shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.

D. Subdivisions and land developments should be laid out so as to avoid the necessity for excessive cut or fill unless specifically warranted by terrain or location.

E. Low-lying land subject to periodic flooding shall not be subdivided or developed for residential development or for such other uses as may involve danger to health, safety, morals and general welfare.

F. Proposed subdivision and land development shall be coordinated with the existing nearby neighborhood so that the community as a whole may develop harmoniously.

G. Improvement construction requirements will be completed under specifications of the Pennsylvania Department of Transportation, Department of Environmental Protection, the Montgomery County Conservation District or other appropriate agencies or the specifications included herein, whichever specifications shall result in the more restrictive standard.

H. Construction of facilities. The subdivider, developer or builder shall, where specified by the governing body, construct and install with no expense to the Borough the streets, curbs, sidewalks, water mains, sanitary and storm sewers, streetlights, fire hydrants, street signs, shade trees, monuments and other facilities and utilities specified in this article. The construction and installation of such facilities and

utilities shall be subject to inspection by appropriate Borough officials during the progress of the work, and the subdivider shall pay for inspection.

§ 113-16. Streets.

All new streets and widened portions of all existing rights-of-way intended for public use shall be dedicated to the Borough, subject to final acceptance based on compliance with the following requirements:

A. Street system.

(1) Conformance with adopted plans. The proposed street pattern shall be properly regulated to existing streets, to the Borough plan of streets and to such county and state road and highway plans as have been duly adopted by that agency.

(2) Arrangement. Streets shall be arranged in a manner to meet with the approval of the governing body, considered in relation to both existing and planned streets, and located so as to allow proper development of surrounding properties. Proposed streets shall be connected with such existing streets and highways so as to form continuations thereof. Residential streets shall be laid out to discourage their use as through streets.

(3) Conformity with topography. Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable grade, alignment and drainage.

(4) Grading. The street shall be graded to the full width of the right-of-way in accordance with § 113-22.

(5) Provisions of streets for future development. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory. Streets giving such access shall be improved to the limits of the subdivision when required by the Borough. Remnants, reserve strips and landlocked areas shall not be created.

(6) New streets. New streets shall be laid out to continue existing streets at equal or greater right-of-way and cartway widths, where practical.

(7) Dead-end streets. Dead-end streets are prohibited, unless designed as cul-de-sac or designed for access exclusively to neighboring tracts.

(8) Street names. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of the Borough Planning Commission and Borough Council.

(9) Half street. The dedication of half streets at the edges of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider, developer or builder. When there exits a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

B. Street alignment.

(1) Sight distance on horizontal and vertical curves. Proper sight distance should be provided with respect to both horizontal and vertical alignments. Measured along the center line, this should be not less than two hundred (200) feet, measured at the center line and at the driver's eye height of three and one-half (3-1/2) feet but must meet the minimum standards for safe stopping distance requirements of AASHTO .

(2) Horizontal curves shall be used at all changes in excess of 2°. Long radius curves shall be used rather than a series of curves connected by short tangents. Minimum radius curves at the end of long tangents will not be approved. Flatter or longer curves shall be used when required by the Borough.

(a) Curvature. The minimum radius at the center line for horizontal curves on primary streets shall be 300 feet; for secondary streets, 200 feet; and for all other streets, shall be one hundred fifty (150) feet.

(b) Tangents between curves. For all streets there shall be a tangent of at least one hundred (100) feet, measured at the center line between reverse curves

(3) Vertical curves.

(a) Vertical curves shall be used at changes in grade of 1% or more. The minimum length of vertical curves for each 1% of change in grade shall be twenty-five (25) feet. and ten (10) feet within one hundred fifty (150) of an intersection (stop condition).

(b) Crest and sag vertical curves shall not produce excessive flatness in grade. The minimum vertical curve factors shown above shall be used.

(4) Street grades.

(a) There shall be a minimum grade of at least 1% on all streets.

(b) Maximum grades. There shall be maximum grade of ten percent (10%) on all streets for distances of not more than one thousand five hundred (1,500) feet. However, grades in excess of five percent (5%) shall be avoided wherever possible. The grade shall be measured along the center line.

(c) Curve-grade combinations. A combination of minimum radius horizontal curves and maximum grades will not be approved.

(d) Street intersections. The grade within fifty (50) feet of any side curbline of an intersection or the outer perimeter of a cul-de-sac shall not exceed three percent (3%). The grade will be measured along the curbline of the street.

(e) Street grading. All streets shall be graded to the grades shown on the street profile and cross-section plan submitted and approved with the preliminary plan of subdivision and land development.

C. Roadway classifications. All roads within the Borough, either public or private, shall be classified as highway or alley

(1) A Highway shall have a minimum right-of-way of fifty (50) feet and a minimum cartway width of thirty (30) feet between curbs. A highway shall have concrete curbs, road paving and sidewalk paving provided, all to be constructed in accordance with Section F below.

(2) An alley shall have a minimum right-of-way width of sixteen (16) feet and maximum right-of-way of twenty (20) feet, serving only the rear entrances of two (2) or more properties.

D. Cul-de-sac streets shall be those streets with one end open for vehicular access and the other terminating in a vehicular turnaround. All cul-de-sacs, whether considered permanent (serve only the tract to be developed) or temporary (terminated at an adjacent property line), shall be designed under the following criteria:

(1) No cul-de-sac shall be approved when a through street is possible for the tract under consideration. All cul-de-sacs must be approved by Borough Council, with the Borough reserving the right to reject any and all cul-de-sac proposed. A cul-de-sac should only be considered when the shape of the tract does not lend itself to a through street and/or there is adverse topography.

(2) At the request of the Borough, the developer shall provide roadway access to adjacent parcels of land. The Borough also reserves the right to accept or reject any cul-de-sac which is placed adjacent to an adjoining property line at the request of the developer. All temporary cul-de-sacs must provide sufficient data to prove the feasibility of such road extension onto other lands.

(3) All cul-de-sacs shall have a cartway width of thirty (30) feet.

(4) Cul-de-sac streets shall have a minimum right-of-way width of fifty (50) feet, and additional width shall be provided when required by the Borough. The turnaround at the end of the cul-de-sac shall have a pavement/curb radius of fifty (50) feet and a right-of-way radius of sixty(60) feet. The turnaround radius shall be centered on the proposed road center line.

(5) The length of cul-de-sac shall not be not less than two hundred fifty (250) feet and not more than six hundred (600) feet from the near right-of-way line of the intersecting street to the back of the right-of-way of the turnaround unless approved by the Borough Council. The developer must provide justification for lengths longer than six hundred (600) feet.

(6) The Borough may require the developer to provide a permanent easement for snow storage at the turnaround area of the cul-de-sac. The location of this easement shall be determined by the Borough. The easement shall have a minimum length along the right-of-way line of forty (40) feet and a depth of fifteen (15) feet. When curbing is required, a curb depression shall also be placed in this easement area. No shrubbery, fence, mailbox or any other obstruction shall be placed within the easement to hinder the placement of the snow.

(7) Existing temporary cul-de-sacs and rights-of-way located on adjacent parcels, whether open (improved) or not, shall be used by the developer to tie in their proposed roadway system. It shall be the responsibility of the developer to complete all roadway improvements at his expense within the existing rights-of-way of adjacent parcels to service his tract.

(8) All subdivisions which contain unimproved street rights-of-way for future extension onto adjacent property shall dedicate such areas to the Borough along

with other roadway dedications. The record plan and adjacent lots shall note that this area has been set aside for future road extension and that the area shall remain only in a grass cover until needed by the Borough.

(9) A note shall appear on the record plan which indicates that the temporary cul-de-sac and improved street rights-of-way to the adjacent property shown on the plan may be extended as through streets when the adjacent property is developed.

E. Street width. The following general standards shall apply to street widths:

(1) The minimum cartway width of all streets is thirty (30) feet.

(2) The minimum right-of-way width for development along existing streets shall be fifty (50) feet.

(3) Islands, medial strips and channelization may be required in any area where traffic volumes warrant their use for safety and efficiency and may be permitted in any area at the discretion of the Borough Council. Such devices on state roads must meet or exceed the requirements of the Pennsylvania Department of Transportation.

(4) Additional width requirements. Additional cartway and right-of-way widths may be required by the Borough:

(a) Where necessary for public safety and convenience.

(b) For parking in commercial areas.

(c) Where existing roads do not provide the proper width and additional dedication is necessary.

(5) No fences, hedges, trees, shrubbery, walls, plantings or other obstructions shall be located or be permitted within the right-of-way, except for ground covers such as grass, ivy, crown vetch or horizontally spreading shrubs less than one foot high or retaining walls necessitated by road widening and constructed by the authority having jurisdiction over the road.

F. Street construction. All street construction must conform to Pennsylvania Department of Transportation Specifications, Publication 408, and its latest revisions. All

construction must be approved by the Borough Manager prior to acceptance by the governing body. All grades, horizontal and vertical curves, intersections, sight distances and tangents shall conform to the requirements established by this chapter and shall be subject to the approval of the Borough Council**.**

(1) Pavement structure. All roadway pavement structures shall meet the following depths:

(a) Bituminous wearing course, ID-2, one-and-one-half-inch depth on bituminous binder course, five (5) inch depth, modified base course, six (6) inch depth, or equal.

G. Street intersections.

(1) Number of intersections. No more than two streets shall cross at the same point. Four-way intersections are to be avoided in the layout when three-way or T intersections can be utilized. When existing streets intersect at odd angles or have more than four approaches, the subdivider, developer or builder shall be required to make corrective changes to eliminate the odd angle or reduce the number of approaches to the intersection by curving the lesser street.

(2) Minimum angle of intersection. Right angle of intersections shall be used whenever practicable, especially when local streets empty into major or secondary streets; there shall be no intersection angle, measured at the center line, of less than 60° minimum.

(3) Center line. Where center lines of residential streets open into opposite sides of a major street within one hundred (100) feet of each other, they shall be made to coincide by curving the minor street or streets.

(4) Sight distance. There shall be measured along the center line a minimum clear sight triangle of seventy-five (75) feet from the point of intersection, but must meet the minimum requirements of PADOT. No building, trees, hedge, shrubbery or other obstruction whatsoever will be permitted in this area.

(5) Maximum grade. The maximum grade within any intersection shall not exceed three percent (3%).

(6) Radii of pavement and right-of-way at intersections. Street intersections shall be rounded with tangential arcs at pavement edge (curbline) with a minimum radius of twenty-five (25) feet and right-of-way lines with a minimum radius of

fifteen (15) feet. When possible, the radii for the right-of-way line and the curbline should be concentric with each other.

§ 113-17. Driveways.

A. Location and design.

(1) Slope. A stopping area measured twenty (20) feet behind the right-of-way line shall be provided, not to exceed a grade of five percent (5%).

(2) Pavement widths and grades. Driveway paving widths and grades shall be as follows:

Land Use	Minimum Paving Width (feet)	Minimum Radius at Curb (feet)	Maximum Grade (percent)
Single-family Residential	10	5	14
Multifamily Residential*	12 (1-way)	10	10
	24 (2-way)	10	10
Commercial	12 (1-way)	15	7
	24 (2-way)	15	7

*When curbing is used, two (2) feet shall be added to the minimum width of pavement. Multifamily residential shall include development of one (1) or more building(s) that contain three (3) or more units.

(3) Access driveways should be located in such a manner that they will not cause the following:

(a) Interference to the traveling public.

(b) A hazard to the free movement of normal highway traffic.

(c) Areas of undue traffic congestion on the highway.

§ 113-18. Parking areas.

A. Automobile parking facilities shall be provided off-street in accordance with requirements of Chapter 124, Zoning, and this chapter.

B. At no time shall angle or perpendicular parking along the curbs of local, public or private access roads or streets be permitted. All parking lots and bays allowing any parking other than parallel shall be physically separated from the cartway by a minimum of seven (7) feet and confined by barrier curbing.

C. All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls.

D. No less than a five-foot radius of curvature shall be permitted for all curbline in all parking areas.

E. Parking lot dimensions shall be no less than those listed in the following table:

	Parking Stall		Aisle Width	
Angle of Parking	**Depth (feet)**	**Width (feet)**	**1-Way (feet)**	**2-Way (feet)**
90	20	10*	25	25
60	19	9**	18	--
45	17	9**	15	--

* A reduction may be made to 9'x18' for 30% of the parking spaces provided.
**Width is measured perpendicular to the side lines.

F. In any instance in which parallel parking spaces are permitted in off-street parking facilities pursuant to an approved subdivision or land development plan, each such space shall be a minimum of nine (9) feet by twenty two (22) feet in size.

G. Parking areas shall be constructed in accordance with applicable Pennsylvania Department of Transportation standards.

§ 113-19. Sidewalk design and construction.

A. Where required.

(1) Sidewalks shall be provided along all streets except where, in the opinion of Borough Council, they are unnecessary for the public safety and convenience.

(2) In land developments with common areas, sidewalks should be located appropriately to serve as accesses between parking areas and buildings and in common areas to serve as internal site circulation.

(3) Handicapped ramps shall be constructed at all roadway intersections and at other locations designated by Borough Council.

B. Width. Sidewalks shall not be less than four (4) feet in width in residential areas. A greater width may be required in areas in which apartments or business buildings are located or deemed necessary at the discretion of the Borough Council.

C. On public streets, sidewalks shall be located behind the curbline. The grade and paving of the sidewalk shall be continuous across driveways except in certain cases where heavy traffic volume dictates special treatment.

D. Crosswalks. Crosswalks not less than ten (10) feet wide and with concrete or asphalt paving not less than four (4) feet wide may be required where necessary to provide access to schools, churches, parks and commercial areas. They shall be maintained by the abutting property owners in the same manner as sidewalks on public streets.

E. Construction methods. Sidewalks shall be constructed so as to discharge drainage to the street, the grade of which shall not be less than one quarter (1/4) inch per foot. The finished grade between the outside of the sidewalk to the curbline (edge of the cartway) shall never exceed a total vertical elevation change of one foot. All sidewalks shall be constructed with Pennsylvania Department of Transportation Type AA concrete on a four (4) inch crushed stone or gravel base to ensure proper drainage. The concrete shall be placed so that there is a control joint every five (5) feet One-half-inch premolded expansion joints shall be placed where the concrete sidewalk abuts a concrete curb and where directed by the Borough. All concrete sidewalks shall have a minimum thickness of four (4) inches, except under driveways, where they shall have a minimum thickness of six (6) inches for residential or eight inches for commercial or industrial. The concrete apron in the driveway area shall be reinforced with wire six inches by six inches, Number 9 wire (minimum). Two layers of this wire shall be utilized, with a minimum of two-inch spacing between layers. The wire shall be installed so that it is not closer than one-half (1/2) inch from the top or bottom surfaces of the driveways.

§ 113-20. Curbs.

A. Concrete curbs shall be installed along each side of all new and widened roads. Curbing shall be eighteen (18) inches in height, seven (7) inches wide at the top with a one-inch batter face and eight (8) inches wide at the base. The curb face shall be eight inches for all roads, and driveway depressions shall be one and one-half (1 1/2) inches above the gutter line. Curbing shall be built in ten-foot (10') lengths, and an approved expansion joint of one-fourth-inch minimum thickness shall be used at each joint or as directed by the Borough.

B. All concrete used in the construction of improvements must be Type AA with certification of the mix furnished to the Borough Engineer. Concrete shall be placed in forms that are straight and securely braced. Care shall be taken to control the water content to prevent separation of the aggregates. All the concrete shall be thoroughly tamped into the forms. After the concrete has set sufficiently, the form shall be removed and the exposed surface shall be rubbed to provide an even finish. All edges shall be finished with an approved edging tool.

C. To provide for driveways, depressions in the curbing may be constructed and finished during the time of pouring.

D. The Borough Council may waive the curbing requirement if the developer can prove to the Borough that a proposed system of well-designed swales can perform the drainage function comparable to a system of curbs and inlets and that the appearance and functioning of the roadway and parking lot system shall not be impaired by the lack of curbing.

§ 113-21. Lots.

A. Area. All lots shall be no smaller than the minimum lot area requirements of the applicable zoning classification.

B. Depth. Lots excessively deep in relation to width are to be avoided. A proportion of two and one-half to one (2 1/2:1) is generally regarded as the proper maximum.

C. Width. The minimum width of a lot shall be that width specified for the applicable zoning district and which is measured along the building setback line.

D. Corner lots. Corner lots shall have a minimum lot width of the width required for the applicable zoning district, plus the front yard dimension along all roads.

E. Frontage. The frontage shall not be less than the minimum requirements of Chapter 124, Zoning, except that on the outside of curved residential streets and on the turnaround of cul-de-sac, a minimum frontage of twenty-five (25) feet may be acceptable, provided that proper lot width is attained at the building setback lines.

F. Side lines. Whenever practicable, the side lines of a lot shall be set at right angles or radial to the right-of-way line for the full length of the side lines

G. Building lines. Building lines for all lots shall be in conformance with the minimum front, side and rear yard line requirements of the applicable zoning district.

H. Lot numbers. For the purpose of development, each subdivision may have an overall system of lot numbers, the number one being assigned to a lot in the first section to be developed. (Such system of lot numbers shall not be confused with the regular house or building numbering system based on a Borough-wide plan)

I. Building numbers. House or building numbers shall be assigned by the municipality based on an overall street plan. Numbers will be assigned in such a way as to allow for vacant parcels and future developments.

§ 113-22. Land with existing structures.

No subdivision or land development will be approved with the property line extending through any portion of any existing structure.

A. If structure(s) is to remain.

(1) In residential zoning districts of the Borough, the lot size and the lot dimensions of the newly created lot containing the structure(s) must be in scale with the height and bulk of the structure, even if this requires a lot area and/or yard dimensions exceeding the minimum zoning requirement for that district. Structures proposed on the vacant portions of lands being subdivided shall conform to the extent possible to the height, bulk, building material and architectural character of the existing structures in the immediate vicinity, and the subdivision plans shall show building plans at suitable detail.

(2) In commercial zoning districts of the Borough the subdivision of the land must provide adequate service and parking facilities, etc., in keeping with the minimum requirements of Chapter 124, Zoning, for each lot and cumulatively for all lots in the subdivision. No subdivision will be approved in such instances if the servicing and/or parking facilities, etc., attendant to the existing structure are deemed inadequate or would be considered to become inadequate with the development of the now vacant lands. Any new structures contemplated on the newly subdivided parcels shall be in conformity with the existing structures in the immediate vicinity to the extent possible in regards to height, bulk, building material and architectural character, and the subdivision plans shall show building plans at suitable detail.

(3) Alterations and replacements will be permitted within the existing structure, but exterior extensions of the building must conform to the requirements of Chapter 124, Zoning.

B. If existing structure(s) is to be removed. Subdivision approval will be issued "conditional" upon the expeditious removal of existing structures in complete conformity with all other pertinent Borough procedural requirements. The subdivision plans shall furthermore show in detail the proposed development of each parcel of ground and the proposed development shall not provide less service and parking facilities, etc., than now exist. In commercial areas, plots of land that have been cleared, as well as the existing vacant portions of such lands, should be developed in conformity with the long-range needs of the area to the extent possible, and all developmental requirements embodied in this chapter and Chapter 124, Zoning, shall be adhered to. If roadway realignments and other similar requirements are deemed necessary in the immediate vicinity of the plot being subdivided, they shall be corrected as part of the subdivision design to the utmost of the subdivider's ability.

C. If existing structure is to be partly replaced or is to be added on to. Demolition plans and/or construction plans must be detailed as part of the subdivision plan review, and subsequent subdivision approval will be conditional upon compliance with said proposed details. Additions to existing structures shall be in harmony with existing structures in the immediate vicinity, especially in respect to height, bulk, building materials and architectural characteristics. In the case of the partial demolition of existing structures, the remaining structure must be in keeping with the existing buildings in the immediate vicinity in relation to type, bulk, building materials and architectural characteristics. Renovation work to the remaining portion of a structure following partial demolition must be completed promptly and expeditiously.

§ 113-23. Grading

A. Excavation and fill. No permanent excavation or fill shall be made with a face steeper in slope than three (3) horizontal to one (1) vertical, except under one or more of the following conditions:

(1) The material in which the excavation or fill is made is sufficiently stable to sustain a slope of steeper than three horizontal to one vertical, and a written statement of a civil engineer experienced in erosion control, to that effect, is submitted to the Borough Engineer and approved by him. The statement shall indicate that the site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.

(2) A concrete or stone masonry wall constructed and approved by the Borough.

B. Slopes and fences. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All

property lines where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five feet or more in height shall be protected by a fence four feet in height approved by the Borough. The fence shall be an integral part of the wall.

C. Site grading plan. The Borough Engineer shall require a grading plan in conjunction with the plan of subdivision or land development in order to ensure compliance with the above standards.

D. When the approved grades and finish contours are not consistent with those shown on the construction drawings, they shall be corrected by the applicant as required by the Borough.

§ 113-24. Culverts, bridges and storm sewers.

All culverts, bridges and storm sewers shall be constructed for the full width of the highway. Where bridges, dams, etc., are placed on streams with a drainage area of one-half (1/2) square mile or larger, application for a permit must be made to the Bureau of Soil and Water Conservation, Harrisburg, Pennsylvania or current Department of Environmental Protection regulations.

§ 113-25. Road construction permit applications; fees; expiration of permits; inspections.

A. Application for a road construction permit shall be filed with the Secretary of Borough Council on the form supplied by the Borough and shall be accompanied by three (3) sets of plans and specifications prepared by a registered professional engineer, as provided in § 113- 12 hereof, setting forth the location and nature of work, and shall be verified by affidavit made by or on behalf of the owner or owners. A fee, set by resolution of Borough Council shall accompany each application for a construction permit.

B. Upon the approval of the road construction application plans by the Borough, the Borough Secretary shall issue a road construction permit. The applicant shall pay the actual costs of any material tests required and shall reimburse the Borough for the cost of engineering inspection.

C. Any such permit shall become null and void if the work for which the same is granted shall not be commenced within six (6) months from the date of such permit; provided, however, that such permit may be extended for a period of six (6) months upon application in writing to the Borough Manager.

D. The Borough Manager shall be notified seventy-two (72) hours in advance of the commencement of any road construction operation, such as grading, paving or sewer installation, in order that provision may be made for the proper inspection of such construction operation.

§ 113-26. Landscaping

Landscaping shall be in accordance with Chapter 84, Narberth Borough Landscape Regulations.

§ 113-27. Natural or historic feature preservation.

A. Limit of disturbance. Where the applicant is offering for dedication or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a limit of disturbance, which will confine excavation, earthmoving procedures and other changes to the landscape, may be required to ensure the preservation and prevent destruction of the character of the area in open space.

B. Tree preservation. All trees six inches or more in caliper at breast height should not be removed unless within the proposed right-of-way line of a street or impracticable for development. The relocation of noteworthy plant material should be encouraged where retention is impracticable.

C. Topsoil preservation. No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored separately. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10% or more and planted in ground cover on slopes of 20%, provided that riprap shall be utilized for banks exceeding 25%.

D. Preserved landscaping. When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation includes areas of the woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.

§ 113-28. Drainage.

Drainage shall be in accordance with Chapter 111 – Storm Water Management Ordinance for the Lower Merion Drainage Area and Chapter 112 – Storm Water Management and Erosion Control of the Borough's Ordinances.

§ 113-29. Reserve strips, rights-of-way, easements and utility construction.

A. Reserve strips controlling access to streets, alleys, subdivisions or adjacent areas are prohibited.

B. Rights-of-way and easements. Rights-of-way or easements required for roadway construction and maintenance, sanitary sewer systems, storm drainage systems, water systems and any other utilities and for any other specific purpose shall be required by the governing body as needed, with the location and width in each case to be determined by the governing body.

(1) The setback shall be 40 feet from all existing and proposed fuel easements or rights-of-way and 20 feet for all other utilities. The total setback shall not be less than that required by the applicable zoning district.

(2) Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area shall be maintained as a lawn unless further use is allowed, in writing, by the governing body.

(3) The owner of any lot, upon written request by the Borough and at the owner's sole expense, shall remove unauthorized items which have been placed, planted, set or put (with or without prior knowledge of this regulation) within the area of any easement.

(4) To the fullest extent possible, easements shall be adjacent to rear and side lot lines.

(5) Minimum easement widths.

(a) Drainage easements shall be required along natural watercourses with a minimum width of 50 feet. Such easement may be used for storm drainage systems, sanitary sewer lines and open space. Where conditions warrant, such as in floodplains, additional widths may be required.

(b) A minimum easement width of 25 feet shall be required for all storm drainage systems and sanitary sewer systems which are located outside of the public right-of-way and wherever storm drainage is collected in swales and ditches. An additional five feet of easement width shall be required for each additional utility which is placed within the easement area.

(6) Easements required to be obtained by developers shall provide for the maintenance, repair and replacement of the facilities, including the right of passage for such work. The Borough shall have the right of review and

correction of all easements obtained by developers from other property owners which shall be turned over to the Borough. The developer shall convey, at no cost to the Borough, all requested easements.

(7) No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved record plan. Any error found in a deed shall be immediately corrected and recorded in the office of the Recorder of Deeds for Montgomery County at the sole expense of the subdivider or owner.

C. Public utilities. All water and gas mains and other underground facilities shall be installed prior to street paving at locations approved by the Borough for the full width of the right-of-way.

D. Underground utilities. All gas and water mains shall be installed underground. All electric, telephone and communication services, both main and service lines, shall be provided by underground cables and installed in accordance with the prevailing standards and practices of the utility or other company providing such services, except where it is demonstrated to the satisfaction of the Borough governing body that underground installations herein required are not feasible because of physical conditions of the land involved. All main underground cables which are within the right-of-way of a street shall be located as specified by the governing body.

(1) In order to promote and facilitate the underground installation of utility distribution lines, a letter of endorsement shall be required from the suppliers of utility service (not limited to electric, telephone or cable television) wherein the utility acknowledges that underground utilities are feasible and shall be installed as part of the improvement plan. A statement relative to the intent of the developer to provide underground utility service shall be placed on the final plan requisite to final approval of such plan.

(2) The provisions in this chapter shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of public utility structures or facilities which may hereafter be located within public easements or rights-of-way designated for such purposes.

(3) Light standards are to be placed as required by ordinance. The power source for such standards shall be placed underground, as required.

§ 113-30. Erosion and sediment control.

Erosion and sediment control will be in accordance with Chapter 112 – Stormwater and Erosion Control.

§ 113-31. Survey markers.

A. Survey markers.

(1) Survey monuments shall be placed on the right-of-way lines at corners, angle points, the beginning and ends of curves, at all corners and changes in directions of the boundary of the tract under development and at other points as required by the Borough. All monuments, existing and proposed, shall be shown on the record plans. The monuments shall be placed after all roadway improvements have been completed.

(2) One of the following types of permanent reference monuments shall be installed by the developer or property owner at all locations mentioned above:

(a) A concrete monument with minimum dimensions of 20 inches deep by four inches square, with forty-five-degree beveled edges.

(b) Solid steel pins with minimum dimensions of three-quarter (3/4) inch in diameter and twenty – four (24) inches in length.

B. Bench marks. The Borough elevations are based on the Borough sanitary sewer system datum. The location and elevation is available to all engineers and surveyors upon request to the Engineer's office. All contours and elevations shown on plans must be based on this system.

C. Staking requirements. All lots shall be staked by a licensed surveyor for the subdivider when final grading has been completed. This stakeout shall be visible and completed before an owner or occupant moves into the property. All lot corner markers shall be permanently located and shall be at least a three-fourths-inch metal pin with a minimum length of 24 inches, located in the ground to existing grade.

§ 113-32. Use of standards; recommendations of Planning Commission; waivers.

A. The standards of design of this article should be used to judge the adequacy of subdivision proposals. Where, in the opinion of the Borough Planning Commission, the literal application of these standards in certain cases would work undue hardship or be plainly unreasonable, the Borough Planning Commission may recommend to the Borough Council such reasonable exceptions as will not be contrary to the public

interest. The Borough Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of the regulations.

B. The standards included in these regulations are minimum design requirements. The Borough Council reserves the right in any case to request that development features exceed these standards if conditions so warrant.

C. In reviewing subdivision or land development plans, the governing body shall refer such plans to the Borough Planning Commission for recommendations concerning the adequacy of existing and proposed community facilities to serve the additional development proposed by the subdivision or land development.

D. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. The Borough Council reserves the right to accept or refuse offers of dedication for public uses.

Article IV

Improvements

§ 113-33. Required improvements.

A. The applicant shall agree, in writing, to construct streets and other improvements required by this chapter from the lot or lots to be sold or built upon to an existing improved street, subject to the provisions of § 113-31 herein. The work shall be performed in strict accordance with approved plans and the Borough standards and specifications or the applicable provisions of the Pennsylvania Department of Highways Specifications 408, latest edition, or any subsequent number or section thereof. No plan shall be finally approved until the developer has completed all of the necessary and appropriate improvements as required as a condition for final approval of a plan or until such time as the applicant has provided a proper guarantee in the form of performance bond or bonds with surety satisfaction to the Borough or by the deposit of funds or securities in escrow or by the presentation of an irrevocable letter of credit from a federal- or commonwealth-chartered lending institution. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 known as the "State Highway Law". Such financial security shall be posted with a bonding company or federal- or commonwealth-chartered lending institution chosen by the developer, builder or subdivider posting the financial security, provided that said bonding company or lending institution is authorized to conduct business within the commonwealth. When requested by the applicant, to facilitate financing, the Borough shall furnish him with a signed copy of a resolution indicating approval of the final plat contingent upon the applicant obtaining satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial security agreement is executed.

The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless written extension is granted by the Borough Council. Such extension shall be placed in writing. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of the required improvements for which the financial security is to be posted, estimated as of ninety (90) days following the date scheduled for completion by the applicant. The cost of the improvements shall be based upon an estimate prepared by a professional engineer licensed in the Commonwealth of Pennsylvania. Said estimate shall be certified by said engineer to be a fair and reasonable estimate of such cost. The Borough, upon recommendation of the Borough Engineer, may refuse to accept said estimate for good cause shown. If the applicant and Borough are unable to agree upon an estimate, the estimate shall be recalculated

and recertified by another licensed professional engineer, who shall mutually be chosen by the applicant and the Borough. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. Fees for the services of said third engineer shall be paid equally by the Borough and applicant. The applicant shall also guarantee that no lot will be sold or building constructed in any flood-prone area prior to completion of all floodproofing measures planned for such lot and necessary access facilities.

B. Such financial security shall provide for and secure to the public the completion of all subdivision improvements for which such security is being posted by the date fixed in the subdivision plan or subdivision agreement for completion of such improvements. Annually, the Borough may adjust the amount of financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion to complete the required improvements. The Borough may require the applicant to post additional financial security to assure that it equals the required 110% of the cost of completing the required improvements as reestablished by using the above procedure.

C. In the case where development is projected over a period of years, the Borough Council may authorize the submission of final plans by sections or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

§ 113-34. Release from liability.

A. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release from time to time of such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such request shall be in writing, addressed to the Borough Council and subject to the provisions for release as established in Section 509 of Act 247, the Pennsylvania Municipalities Planning Code.

B. If a partial release is not authorized as stated in Subsection A, the financial security shall be released only upon the complete installation of the required improvements in accordance with the approved improvement construction plan. Strict compliance with the procedures established by Section 510 of Act 247, the Pennsylvania Municipalities Planning Code, shall be followed with respect to the release of the performance bond or other security. If the Board fails to comply with the time limitations of said Section 510, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the performance bond. If the required improvements are not completely installed within

the required time period, the Board shall declare the performance bond in default and authorize the Borough Manager to collect the amount payable thereunder. Upon receipt of such amount, the Borough shall install such improvements as were covered by the bond and are commensurate with the extent of the building development which has taken place in the subdivision or land development, not exceeding in cost, however, the amount collected upon the bond.

§ 113-35. Public utilities and laterals.

All sewers (capped and operative), water, gas, electric, telephone and other pipes and conduits and all service connections or laterals shall be laid to the full width of the right-of-way, where the need therefore can be reasonably anticipated, before streets are paved. The arrangements for said service connections or laterals shall be the responsibility of the subdivider, developer or builder.

§ 113-36. Inspection of work and materials.

A. Notice.

(1) The Borough Engineer shall be notified forty-eight (48) hours in advance of the commencement of any construction or installation operation, in order that provision may be made for inspection by the Borough.

(2) Construction and installation operations shall also be subject to inspection by Borough officials during the progress of the work, and the subdivider, developer or builder shall pay for all inspections.

B. Samples of materials. Samples of materials shall be furnished to the Borough in the same manner as is required of contractors under the highway and sanitary drainage specifications.

§ 113-37. Construction sequence.

A. Existing roads. The implementation and scheduling of the improvements required by the Borough in relation to existing roads shall be addressed by the Borough as part of the final plan approval.

B. Proposed roads. All improvements within the roadway right-of-way shall be completed along all lots or units before any use and occupancy permit shall be issued for the lot or unit which abuts the roadway improvements. The only exception to this requirement shall be the placement of the pavement wearing course which shall be

placed upon completion of the project. This required work shall also include those improvements which are required on the lot or unit for which the use and occupancy permit is required.

§ 113-38. Obligations and responsibilities of Borough.

A. The granting of any permit hereunder shall not impose upon the Borough any obligation whatsoever to take over any of the work covered thereby as a public improvement for any purpose whatsoever, unless accepted by ordinance.

B. The Borough Council of the Borough of Narberth shall have no responsibility of any kind with respect to any highway or any drainage facilities in connection therewith, notwithstanding any use of the same by the public, unless the highway or drainage facilities are accepted by ordinance.

§ 113-39. Violations and penalties.

Any person, partnership or corporation who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon or who sells, transfers or agrees or enters into any agreement to sell any land in a subdivision or land development, or who erects any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of the Pennsylvania Municipalities Planning Code and of this chapter and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person of the members of such partnership or the officers of such corporation or the agent of any of them responsible for such violation shall pay a fine consistent with Section 515.3 of the Municipalities Planning Code. All fines collected for such violations shall be paid over to the Borough Treasurer. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

Article V

Amendments

§ 113-40. Amendment procedure.

The Borough Council of Narberth may from time to time amend, supplement, change, modify or repeal this chapter by proceeding in the following manner. The Borough Council, by resolution adopted at a regular or special meeting, shall fix the time and place of a public hearing of the proposed amendment and cause public notice thereof to be given as follows:

A. By publishing a notice thereof in one newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to the hearing

B. The notice shall state the time and place of the hearing, and that full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.

C. The notice shall include either the full text of the proposed ordinance or amendment or the title and a brief summary, setting forth all the provisions in reasonable detail. If the full text is not included, a copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published, and an attested copy of the proposed ordinance shall be filed in the County Law Library.

D. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

§ 113-41. Referral to Planning Commission.

All proposed amendments to this ordinance, before adoption, shall be referred to the Borough Planning Commission and the Montgomery County Planning Commission at least thirty (30) days prior to the public hearing for recommendation and report, which shall not be binding.

Passed this 13 th Day of October, 2003

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Mary Jo Pauxtis, President of Council

ATTEST: _____

William J. Martin, Borough Manager

Approved this 13th Day of October, 2003 _____

Dennis J. Sharkey, Mayor

Chapter 114

TAXATION

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 12-29-1966 by Ord. No. 563, approved 12-29-1966; Art. II, 11-13-1978 by Ord. No. 680, approved 11-13-1978. Amendments noted where applicable.]

ARTICLE I

Realty Transfer Tax [1]

[Adopted 12-29-1966 by Ord. No. 563, approved 12-29-1966]

§ 114-1. Title.

This Article shall be known and may be cited as the "Borough of Narberth Realty Transfer Tax Ordinance."

§ 114-2. Definitions.

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

BOROUGH — The Borough of Narberth, Montgomery County, Pennsylvania.

BOROUGH SECRETARY — The Secretary of the Borough of Narberth.

DOCUMENT — Any deed, instrument or writing, whether or not executed, acknowledged or delivered within the borough, whereby any lands, tenements or hereditaments within the borough or any interest therein shall be quit-claimed, granted, bargained, sold or otherwise conveyed.

HEREDITAMENTS — Refers only to hereditaments in real property.

PERSON — Any individual, partnership, association or corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person" as applied to partnerships or associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

VALUE — The gross amount of the actual consideration for the lands, tenements or hereditaments or interests therein, and the amount of any liens or other encumbrances on the lands, tenements or hereditaments or interests therein, granted, bargained, sold or otherwise conveyed or of which possession is taken, or a commensurate part of the liens or other encumbrances thereon where such liens or other encumbrances also encumber other lands, tenements or hereditaments; provided that where any document evidencing the transfer of title shall set forth a small or nominal consideration, the "value" thereof

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1. **Editor's Note: Ord. No. 568, adopted 2-12-1968 and approved 2-12-1968, reenacted the provisions of this Article and provided that unless it was repealed or substantially modified, it would be continued in force and effect for the year 1968 and thereafter from year to year.**

shall be determined from the price set forth in or actual consideration for the contract of sale, or in the case of a gift, from the actual monetary worth of the property or interest therein granted, bargained, sold or otherwise conveyed or of which possession is taken.

§ 114-3. Imposition of tax.

A. Every person who makes, executes, issues or delivers any document, or in whose behalf any document is made, executed, issued or delivered, shall pay therefor and in respect thereof, or for or in respect of the vellum, parchment or paper upon which such document is written or printed, a tax at the rate of 1% of the value of the real property represented by such document, which tax shall be due and payable at the time of the making, execution, issuance or delivery of such document.

B. Every person who transfers title to any lands, tenements or hereditaments located within the borough, or any interest therein, shall pay for and in respect of the privilege of making such transfer a tax at the rate of 1% of the value of such property, unless the tax provided for or intended to be provided for in Subsection A hereof shall have been paid with respect to the document evidencing such transfer. The tax provided for by this subsection shall be due and payable at the time of such transfer.

C. Every person who lodges or files in the borough for registration, in accordance with Ordinance No. 273[2] of the borough requiring the registration of deeds, any document, shall pay for and in respect of such registration a tax at the rate of 1% of the value of the property described or conveyed by such document, unless the tax provided for or intended to be provided for in Subsection A hereof or the tax provided for or intended to be provided for in Subsection B hereof shall have been paid in respect of such document or in respect of the transfer effected thereby. The tax provided for by this subsection shall be due and payable at the time of such lodging or filing for registration of such document.

D. Every person who accepts possession of any lands, tenements or hereditaments situate within the borough, or any interest therein, pursuant to or in connection with a transfer of title thereof effected by means of a document, shall pay for and in respect of the privilege of such acceptance of possession a tax at the rate of 1% of the value of such property, unless the tax provided for or intended to be provided for in Subsection A hereof or the tax provided for or intended to be provided for in Subsection B hereof or the tax provided for or intended to be provided for in Subsection C hereof shall have been paid in respect of such document or in respect of the transfer effected thereby or in respect of the registration of such document as aforesaid. Such tax shall be due and payable at the time of such acceptance of possession.

E. Where any lands, tenements or hereditaments situated partly within and partly without the borough are conveyed by a document or are transferred, or where any document relating thereto is lodged or filed for registration as aforesaid, or

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2. **Editor's Note: Ord. No. 273, which establishes a registry of the ownership of all real estate in the Borough of Narberth, County of Montgomery and Commonwealth of Pennsylvania, is on file in the office of the Borough Secretary.**

possession thereof is accepted, the tax hereby imposed shall be calculated on the valuation of that portion of such lands, tenements or hereditaments lying within the borough.

§ 114-4. Certificate of payment.

The person liable for the tax imposed hereby, in the case of each document, transfer or transaction taxable hereunder, shall, prior to the delivery or acceptance of the document, place thereon a certificate signed by him or for him by a title insurance company, licensed real estate broker or attorney at law, which shall set forth the value of the real estate transferred, the amount of tax imposed hereby, that the same has been paid and the date of payment. No person shall offer for recording or record any document in the office of the Recorder of Deeds of Montgomery County, Pennsylvania, which document does not contain said certificate, nor unless the tax hereby imposed shall first have been paid.

§ 114-5. Payment of tax; filing of record of transfer.

The tax hereby imposed shall be paid to the Borough Secretary for transfers of lands, tenements or hereditaments located in the borough, and the person liable for the tax shall file with the Borough Secretary, upon payment of the tax, a record of the real estate transfer, setting forth the true, complete and actual value of the real estate involved, the names of the parties, the location of the real estate and such other information as may be required. The report shall be signed by the person liable for the tax or for him by a title insurance company, licensed real estate broker or attorney at law.

§ 114-6. Administrative and enforcement officer.

The Borough Secretary is hereby charged with the administration and enforcement of this Article, and he is hereby authorized and empowered to adopt, promulgate and enforce rules and regulations to this end.

§ 114-7. Document to evidence true and complete value.

Every document, when lodged with or presented to any Recorder of Deeds for recording, or to the Borough Secretary or his agent for registration in accordance with Ordinance No. 273 of the borough requiring the registration of deeds,[3] shall set forth therein and as part of such document the true, full, complete and actual value thereof or shall be accompanied by either a certificate from a title company or an affidavit executed by a responsible person connected with the transaction, showing such connection and setting forth the true, full, complete and actual value thereof.

§ 114-8. Requisites for registration of documents.

The Borough Secretary is authorized and requested to refuse to register any document unless the tax imposed under § 114-3A or B or C or D hereof has been paid and unless

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3. **Editor's Note: Ord. No. 273, which establishes a registry of the ownership of all real estate in the Borough of Narberth, County of Montgomery and Commonwealth of Pennsylvania, is on file in the office of the Borough Secretary.**

the payment of the tax is evidenced by the certificate upon the document as required hereby.

§ 114-9. Interest on unpaid taxes.

All taxes imposed by this Article not paid when due shall bear interest thereon at the rate of 1/2 of 1% per month until paid.

§ 114-10. Recovery of unpaid taxes.

All taxes imposed by this Article, together with interest from the due date, shall be recovered as other debts of like character are recovered.

§ 114-11. Exempt transfers, transactions and documents.

The following transfers, transactions and documents shall be exempt from the tax hereby imposed:

A. A transfer by will or mortgage or a transfer made pursuant to the intestate laws of the Commonwealth of Pennsylvania.

B. A transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new, previously unoccupied single-family residential premises.

C. A transfer between a corporation operating housing projects pursuant to the Housing and Redevelopment Assistance Law and the shareholders thereof.

D. A transfer between a nonprofit industrial development agency and an industrial corporation purchasing therefrom, or a transfer to a nonprofit industrial development agency.

E. A transfer between husband and wife and a transfer between persons who were previously husband and wife but who have since been divorced, provided such transfer is made within three months of the date of the granting of the final decree in divorce and that the property or interest which is the subject of such transfer was acquired by the husband and wife, or husband or wife, prior to the granting of the final decree in divorce.

F. A transfer between parent and child or the spouse of such child, or between parent and trustee for the benefit of a child or the spouse of such child.

G. A transfer by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, or as a correctional deed without consideration.

H. A transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of condemnation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned

to the owner of record at the time of condemnation, which reconveyance may include property line adjustments, provided said reconveyance is made within one year from the date of condemnation.

I. A lease.

J. A conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance, under which the trustee is not the lender, and requiring the trustee to make reconveyance to the grantor-borrower upon repayment of the debt.

K. Any privilege or transaction which is now or which hereafter becomes a subject to a state tax or license fee.

§ 114-12. Rules and regulations.

The following rules and regulations pertaining to the administration and enforcement of this Article are hereby prescribed and adopted:

A. Charitable and other organizations exempt from federal income tax. There is no exemption from this tax for transfers either to or from charitable, religious, educational, eleemosynary or other nonprofit organizations.

B. Basis of tax. The tax imposed by this Article is based on the value of the transfer as defined herein. Where the transfer is supported by a bona fide consideration stated in the document, it is the basis of the tax. No particular figure stated in a document should be regarded as an indication that the consideration stated therein is or is not nominal. When the transfer involves the element of gift, in whole or in part, or where the consideration for the transfer is to be fixed by future contingencies, or where the value of such consideration is speculative, the tax is based on the fair value of the real estate involved. In every case the amount of any lien or encumbrance is to be included in the value of the property.

C. Deeds of quitclaim or confirmation. A deed of quitclaim and a deed of confirmation are taxable to the same extent that any other document is taxable.

D. Deeds of partition. Deeds in partition are not subject to tax unless a consideration passes between the parties by reason of one or more of the parties receiving a share of the real estate of a greater value than the party's undivided interest, in which event the deed conveying such greater share is taxable in an amount based upon the additional consideration received by the grantor. Where partition is effected by sale under court decree and subsequent division of the proceeds, the transfer is fully taxable unless one of the persons entitled to share in the proceeds becomes the purchaser. In such event the tax is based upon the extent to which the purchase price exceeds the share of the purchaser.

E. Exchange of interests in real estate. In a case where the parties transfer and exchange between themselves two properties, the documents transferring title to each are subject to the tax, which shall be computed on the basis of the actual monetary value of the interest in property conveyed, including the amount of any

liens or encumbrances.

F. Security and lien transactions. Transfers subject to mortgage or ground rent or for purposes of securing the grantee in some transaction pertaining to the property transferred are taxable on the full value of the property transferred. "Value" shall include liens such as mortgages, ground rents, judgments or other forms of encumbrance.

G. Foreclosure sales and deeds in lieu of foreclosure.

(1) When real estate is sold on foreclosure of mortgage or on execution upon a judgment on the bond or note accompanying a mortgage on said real estate by a sheriff, United States marshal or corporate mortgage trustee, the transfer to the purchaser is taxable on the basis of the highest of the bid price or the amount of the judgment, not in excess, however, of the fair value of the real estate.

(2) When real estate is sold by a sheriff other than in the case of a mortgage foreclosure, or by a trustee in bankruptcy or receiver, the transfer to the purchaser is taxable on the basis of the bid price.

(3) In the case of a deed in lieu of foreclosure, the tax shall be based on the amount of the balance of principal and interest due on the mortgage, plus the total of all prior judgments, mortgages and other liens and any consideration paid by the mortgagee to the mortgagor, but in no event shall such amount be in excess of the fair value of the real estate.

H. Deeds to and from corporations. A conveyance of real estate to a corporation in consideration of the issuance to the grantor of capital stock and conveyances by a corporation to its stockholders in liquidation or dissolution are subject to tax upon the basis of the value of the property transferred.

I. Partnerships. Conveyances of real estate by a partner in his individual capacity to a partnership and conveyances of partnership real estate to one or more partners as individuals or as new partners in partial or complete liquidation of the partnership are subject to the tax.

J. Deeds to and from trustees. A conveyance to a grantee in trust to hold the property for the benefit of income beneficiaries and remaindermen is subject to tax to the extent of the value of the interest passing to persons other than the grantor, irrespective of whether the trust is revocable or irrevocable. If legal title to the property transferred will ultimately vest in a person who is not exempt from the tax imposed by this Article, the entire value of the property is subject to the tax. The transfer is also taxable where the trustee is in the exempt class and the ultimate remaindermen are not. Conveyances from a trustee to a beneficiary in distribution of the trust are not taxable, provided that any such conveyance which involves consideration passing either to the trustee or to other beneficiaries because the grantee is receiving a greater share in the real estate than that to which the trust agreement entitled him shall be taxable on the basis of the consideration so passing.

K. Deeds creating easements. Transfers creating easements or similar incorporeal rights in land are taxable on the basis of the actual consideration for the transfer. Cemetery deeds which create no estate in land but simply give the grantee the right of sepulcher are not taxable.

L. Deeds which change the tenure only. A transfer from grantors to themselves as grantees for the sole purpose of changing the form of their tenure is not subject to tax.

M. Conveyance in consideration of maintenance. A conveyance of real estate in consideration of life maintenance is taxable, the tax to be measured by the value of the property or interest conveyed.

N. Ground rents. The tax upon an instrument creating, extinguishing or assigning a ground rent is based upon the actual consideration paid for the creation, extinguishment or assignment of such ground rent. The tax is similarly payable upon the redemption of a ground rent, based upon the consideration paid therefor, where the tax was not paid in connection with the creation of the ground rent.

O. Documents in escrow. A document delivered in escrow shall not be deemed to be delivered nor the transfer effected thereby made until the document is released from escrow.

P. County Treasurer's deeds. The County Treasurer shall not be required to pay the tax on County Treasurer's deeds, but the grantee to whom such deeds are made, executed, issued or delivered is required to pay the tax, unless the transaction is otherwise exempt.

Q. Transfers between multiple parties. In a case of transfers between multiple parties, some of whom are of exempt identity and some of whom are not, the tax shall be based on the fractional interest passing between nonexempt parties.

R. Deeds by an executor to devisees. Deeds by an executor to devisees, conveying parcels of real estate willed to such devisees, are not subject to tax unless such devisees receive a greater share in the real estate than they are entitled to receive under the will, in which event the tax shall be computed upon the consideration paid for such excess, and where no consideration is paid, the tax shall be computed upon the actual market value of such excess.

S. Nominee and straw transfer. A straw transaction whereby title is conveyed to a straw party either by a third party or by the principal owner is subject to the tax, unless exempt under § 114-11G. A deed from a straw party to the principal owner is not subject to the tax if the tax has been paid on the transfer to the straw party. Deeds from straw parties to persons other than their principals are taxable in all cases.

T. Proof of pertinent facts. Wherever taxability or amount of tax turns upon the determination of any facts or circumstances pertaining to the transfer or to the status of or relationship between the parties thereto, such facts or circumstances may be established prima facie either by appropriate recitals or other provisions in the

document or an affidavit executed by a responsible person connected with the transaction, showing such connection and setting forth all of the pertinent facts and circumstances, the original of which shall be filed with the Recorder of Deeds and a copy with the Secretary of the borough.

§ 114-13. Unlawful acts.

It shall be unlawful for any person to:

A. Fail to pay the tax imposed by this Article.

B. Fail to place upon a document the certificate required by this Article, or make any false statement in such certificate.

C. Fail, neglect or refuse to comply with or violate the rules and regulations adopted and promulgated by the Secretary under the provisions of this Article.

§ 114-14. Unpaid taxes as lien upon property.

The tax imposed by this Article shall become a lien upon the lands, tenements and hereditaments and any interests therein, situate wholly or partly within the borough, which are described in or conveyed by the document which is the subject of the tax imposed under § 114-3A hereof, and as to which the transfer of title is subject to the tax imposed under § 114-3B hereof, and which are described in any document the registry of which is subject to the tax imposed under § 114-3C hereof, and as to which the acceptance of possession is subject to the tax imposed under § 114-3D hereof; and the said lien shall begin at the time when the tax is due and payable and shall continue until discharged by payment or in accordance with law; and the Solicitor of the borough is authorized to file a municipal or tax claim for said tax in the Court of Common Pleas of Montgomery County in accordance with the provisions of the Municipal Lien Act of 1923, its supplements and amendments.

§ 114-15. Violations and penalties.

Any person violating any of the provisions of this Article shall be liable to a penalty not exceeding $300 and, further, shall be required to pay the amount of the tax, together with interest as is otherwise provided for herein, which should have been paid on the document or documents, and upon default in the payment of the same for 10 days, shall be subject to 30 days' imprisonment.

ARTICLE II
Business Privilege Tax
[Adopted 11-13-1978 by Ord. No. 680, approved 11-13-1978]

§ 114-16. Title.

This Article shall be known as the "Business Privilege Tax Ordinance."

§ 114-17. Definitions.

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The masculine includes the feminine, the singular includes the plural and vice versa.

BOROUGH — The Borough of Narberth.

BUSINESS — Any enterprise, activity, profession or any other undertaking conducted for profit or ordinarily conducted for profit, including but not limited to dealing in and vending, at wholesale and/or retail, goods, wares and merchandise and engaging in conducting restaurants or other places where food, drink or refreshments are sold, financial businesses, those enterprises engaged in by hotel operators, motel operators, office and/or residential apartment building operators, parking lot and garage operators, warehouse operators, lessors of tangible personal property, physicians and surgeons, osteopaths, podiatrists, chiropractors, veterinarians, optometrists, pharmacists, lawyers, dentists, engineers, architects, chemists, certified public accountants, public accountants, funeral directors, promoters, agents, brokers, manufacturer's representatives, advertising and public relations agencies, real estate brokers, insurance brokers and agents, operators of places of amusement providing either passive or active recreation, vending machine operators, barbershop operators and beauty shop operators, cleaning, pressing and dyeing establishment operators, laundry operators, shoe repair shop operators, tailors, upholsterers, electrical, plastering, bricklaying, carpentry, heat, ventilating, plumbing and painting contractors engaged in the class of heavy building or other construction of any kind or in the alteration, maintenance or repair thereof, repairers of electrical, electronic and automotive machinery and equipment or other machinery and equipment and other wares and merchandise.

FINANCIAL AND COMMODITIES BUSINESSES — Services and transactions of banks and bankers, trust, credit and investment companies, holding companies, dealers and brokers in money, credits, commercial papers, bonds, notes, securities, stocks, monetary metals and commodities, factors and commission merchants. [Amended 5-14-1979 by Ord. No. 684, approved 5-14-1979]

GROSS VOLUME OF BUSINESS — Gross value of revenue received in cash, credits or property of any kind or nature by any person engaging in business in Narberth. In the case of a sale of goods in which goods are delivered from a place of business regularly maintained outside the borough by the taxpayer to a place regularly maintained outside the borough by the purchaser and in the case of any service which was rendered outside the borough by individuals not regularly employed (or self-employed) in the borough, "gross volume of business" will only include that portion of the revenue therefrom which is received or earned from transactions made and/or services performed within the borough. In the case of a financial or commodities business, the cost of securities, commodities and other property sold, exchanged, paid at maturity or redeemed and moneys or credits received in repayment of advances, credits and loans (not to exceed the principal amount of such advances, credits and loans) and deposits shall not be included. [Amended 5-14-1979 by Ord. No. 684, approved 5-14-1979]

PERSON — Any individual, partnership, limited partnership, association, corporation, trust or other legally recognizable entity engaged in a business.

TAX ADMINISTRATOR — An individual or organization expressly appointed by the Council of the Borough of Narberth as such.

TAXPAYER — A person subject to the payment of the tax imposed by this Article.

TAX YEAR, REGISTRATION YEAR or CALENDAR YEAR — The period from January 1 to December 31.

TEMPORARY, SEASONAL OR ITINERANT BUSINESS — Any business that is conducted in one location for less than 60 consecutive days.

TREASURER AND SECRETARY — Officers of the Borough of Narberth elected or appointed as such.

§ 114-18. Registration required; fees.

For the tax year beginning January 1, 1979, and for each tax year thereafter, every person desiring to continue to engage in or hereafter to begin to engage in a business in Narberth shall, on or before the 31st day of January of the tax year or prior to commencing business in such tax year, make application for one registration for each actual place of business in the borough and, if such person has no actual place of business within the Borough, make application for one registration with the Secretary. Such registration shall be made by the completion of an application furnished by the Secretary and the payment of a fee of $10 for each registration. Each applicant shall receive a certificate of registration from the Secretary, which shall not be assignable. In the case of loss, defacement or destruction of any certificate, the person to whom the certificate was issued shall apply to the Secretary for a new certificate, for which a fee of $1 shall be charged. Such certificate shall be conspicuously posted at each place of business within the borough at all times.

§ 114-19. Levy of tax; recordkeeping.

A. There is levied for the tax year 1984 and annually thereafter a tax for general revenue purposes at the rate of 1 1/2 mills or $1.50 per $1,000 of gross volume of business, subject only to the exemptions provided in this Article. [Amended 12-29-1983 by Ord. No. 736, approved 12-29-1983]

B. The taxpayer shall keep books and records of the business so as to show clearly and accurately the basis of computing the gross volume of business and of exemptions, if any.

§ 114-20. Exempt persons.

Exempt persons shall be as follows:

A. Individuals employed for a wage or salary.

B. Nonprofit corporations or associations organized solely and exclusively for religious, educational or charitable purposes and not conducting any regular or established business competing commercially with any person subject to the tax imposed by this Article.

C. Agencies of the government of the United States or of the Commonwealth of Pennsylvania and the business of any political subdivision or of any authority created or organized under and pursuant to any Act of Assembly.

D. Any other person exempt by law from imposition of a business privilege tax by a municipality.

§ 114-21. Exempt receipts.

Exempt receipts shall be as follows:

A. Refunds, credits or allowances given by a taxpayer to a purchaser on account of defects in goods, wares or merchandise sold or on account of goods, wares or merchandise returned.

B. Taxes collected by the taxpayer as agent for the government of the United States of America, Commonwealth of Pennsylvania or any of its political subdivisions.

C. Any portion of the fees or commissions with respect to any transaction paid by a broker to another broker on account of a purchase or sale contract initiated by or exercised or cleared in conjunction with such other broker.

D. Receipts by a dealer from sales to other dealers in the same line where the dealer transfers title or possession at the same price for which he acquired the goods, wares and merchandise, provided that such other dealers are not the parent or subsidiary of the vendor/dealer or have no other affiliation or cooperative arrangement with the vendor/dealer.

E. The amount of any allowance made for goods, wares and merchandise taken by a dealer as a trade-in or as part payment for other goods, wares and merchandise in the usual and ordinary course of his business.

F. Receipts from utility service to any person or company whose rates of service are fixed and regulated by the Pennsylvania Public Utility Commission or on any privilege or transaction involving the rendering of any such public utility service.

G. Receipts from the sale of goods, articles and products or byproducts manufactured or grown in the borough or from their preparation or processing for use or market or from their transportation, dumping or storage.

H. Any other portion of the gross volume of business which is prohibited from taxing by reason of the Constitution of the United States and of the Commonwealth of Pennsylvania and the laws of the commonwealth.

§ 114-22. Tax returns.

A. Every return shall be made upon a form furnished by the borough or the Tax Administrator. This form will require that the taxpayer furnish the following information:

(1) Taxpayer's name.

(2) Nature of taxpayer's business.

(3) Business address and telephone number.

(4) Information necessary to arrive at the estimated gross volume of business and tax payable for the current year.

(5) Information necessary to compute the amount of tax underpaid or overpaid for the previous year, which shall be the difference between the tax payable on the actual gross volume of business and the tax paid on the estimated gross volume of business.

(6) The total amount of tax due.

B. Every person making such return shall certify under authorized signatures the correctness thereof under the penalties of perjury.

C. Every taxpayer who commences business on or before March 1 of any tax year shall file a return on or before the 30th day of June of the tax year.

D. Every taxpayer who commences business on March 1 or later of the tax year shall file a return within four months of such commencement of business.

E. Any person going out of or ceasing to do business shall, within seven days from the date of ceasing to do business, file a return showing the actual gross volume of business conducted and done by such person during that tax year in which said person ceased doing business and pay the tax due as computed thereon at the rate herein provided for at the time of filing said return. If such tax has been previously paid based upon estimated gross volume, the taxpayer shall be entitled to a refund, without interest, of any excess tax paid for the tax year in which business was terminated.

§ 114-23. Computation of estimated gross volume of business.

A. Every person subject to the payment of the tax hereby imposed who has conducted business for the full calendar year immediately preceding the tax year shall use as the estimated gross volume of business for the tax year the actual gross amount of business transacted during said preceding calendar year.

B. Every person subject to the payment of the tax hereby imposed who has commenced or who commences business before the beginning of the tax year but after the beginning of the calendar year preceding the next year shall compute the estimated annual gross volume of business for the tax year based upon the gross volume of business transacted during the preceding calendar year, taking the monthly average during said period and multiplying same by 12. In the event that such person shall be in business fewer than three months in the preceding calendar year, he shall be permitted to use sufficient days in the calendar year in which the tax year begins to equal three months after commencement of business, to take a monthly average thereon and to multiply the average by 12.

C. Every person subject to the payment of the tax hereby imposed who has

commenced or commences business subsequent to the beginning of the tax year, if there shall be less than three months from the commencement of business to the end of the tax year, shall use as the gross volume of business for the tax year actual gross volume of business transacted by him during the tax year. If there shall be more than three months from the commencement of business to the end of the tax year, he shall compute the estimated gross volume of business for such tax year by taking the monthly average during the first three months of business and multiplying the same by the number of months from the commencement of business to the end of the year.

D. Every person subject to the payment of the tax hereby imposed who engages in a business temporary, seasonal or itinerant by nature shall compute his estimated gross amount of business to be transacted by him during the current tax year using the same bases as described in Subsection A, B or C of this section, taking into account any conditions especially applicable to the nature of his business.

§ 114-24. Payment of tax; late penalty and interest.

The business privilege tax levied pursuant to this Article shall be due and payable on the date on which the taxpayer is required to file a return as set forth above, and if the same is not paid on said date, an additional penalty of 1/2% per month or fractional part of a month and an interest charge at the rate of 6% per year will be added thereto.

§ 114-25. Appointment and powers and duties of Tax Administrator.

A Tax Administrator shall be appointed by the Borough Council and shall have the following duties and powers:

A. To collect and receive the taxes, penalties and interest charges provided in § 114-24 of this Article.

B. To keep a record showing the amount received from each taxpayer and the date of such receipt.

C. To prescribe, adopt, promulgate and enforce rules and regulations relating to the administration and enforcement of this Article, including the reexamination and correction of returns and of payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred, and to make refunds in cases of overpayment for any period of time not to exceed six years from the date of payment of the sum involved. No rule or regulation of any kind shall be enforceable unless it has been approved by resolution by the Borough Council.

D. To examine the books, papers and records of any taxpayer or of whom the Tax Administrator believes to be a taxpayer, in order to verify the accuracy of this return, or, if no return was filed, to ascertain the tax due.

E. To remit taxes and provide necessary information to the Treasurer as agreed upon.

§ 114-26. Duties of Treasurer.

A. The Treasurer shall receive from the Tax Administrator the proceeds of taxes, fines, penalties and interest charges and the net of authorized costs and shall report monthly to the Borough Council the amount received in the aggregate for all taxpayers.

B. At the end of each year, as well as upon special request by the Borough Council, the Treasurer shall make a report to the Borough Council on:

(1) The gross amounts received.

(2) The cost to the borough for the administration of this tax.

(3) Taxpayers who are paid in full.

(4) Taxpayers who are delinquent.

§ 114-27. Method of recovery.

All fees, taxes, fines, penalties and interest charges due and unpaid shall be recoverable by the borough as other debts due the borough are now or may hereafter be by law recoverable.

§ 114-28. Confidentiality.

Any information gained by the Tax Administrator or any other official, agent or employee of the borough as a result of any returns, investigations, hearings or verifications required or authorized by this Article shall be confidential, except as authorized under this Article, in accordance with proper judicial order or as otherwise provided by law.

§ 114-29. Violations and penalties.

A. Any person who shall conduct, transact or engage in any of the businesses subject to the tax imposed by this Article without having first registered for the year or any person who shall fail to file a tax return as required by the provisions of this Article or any person who shall willfully file a false return or any person who shall violate any other provision of this Article shall, upon summary conviction before any District Justice or court of competent jurisdiction, be sentenced to pay a fine not to exceed the sum of $300 for any one offense, recoverable with costs, or imprisonment not exceeding 30 days.

B. Each day on which such person continues to violate this Article may be considered as a separate offense and punishable as such as provided in Subsection A of this section of this Article.

§ 114-30. Construal of provisions; severability.

A. Nothing contained in this Article shall be construed to empower the borough to levy and collect the taxes hereby imposed on any business or any portion of any business not within the taxing power of the borough under the Constitution of the United

States, the Constitution of the Commonwealth of Pennsylvania and the laws of the commonwealth.

B. If the tax or any portion thereof imposed upon any person under the provisions of this Article shall be held by any court of competent power or jurisdiction to be in violation of the Constitution of the United States or of the Commonwealth of Pennsylvania or the laws of the commonwealth, such event shall not affect or impair the right to impose the taxes or the validity of the taxes so imposed upon other persons as herein provided.

C. The provisions of this Article are severable. Therefore, if any of the provisions shall be held to be unconstitutional, illegal or invalid by any court of competent jurisdiction, the decision of said court shall only affect that provision held to be unconstitutional, invalid or illegal and shall not affect or impair any of the remaining provisions of this Article. It is hereby declared to be the intention of the Council of the Borough of Narberth that this Article would have been adopted even if such unconstitutional, illegal or invalid provision had not been included herein.

§ 114-31. Effective date; statutory authority; repealer.

A. The effective date of this Article shall be the first day of January 1979.

B. This Article has been adopted under the authority of the Local Tax Enabling Act of December 31, 1965, P.L. 1257, as amended.[4]

C. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

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4. **Editor's Note: See 53 P.S. § 6901 et seq.**

Chapter 117

VEHICLES, ABANDONED

[HISTORY: Adopted by the Council of the Borough of Narberth 5-10-1965 by Ord. No. 551, approved 5-10-1965. Section 117-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 27.
Vehicles and traffic — See Ch. 118.

§ 117-1. Unlawful acts.

A. No person shall leave parked upon any public street or on public property any wrecked vehicle, or vehicle not capable of being moved under its own power, or vehicle with a deflated tire or tires or without a tire or tires, without a current license tag or without a current inspection sticker.

B. No person shall leave parked upon any public street or on public property any vehicle which constitutes a safety hazard or which obstructs or interferes with the orderly, effective and adequate cleaning of streets or removal or plowing of snow by the borough.

§ 117-2. Approval of storage garages as pounds.

The Council shall from time to time, by resolution duly adopted, designate approved storage garages as pounds for the storage of impounded vehicles. No garage will be approved by the Council unless the owner, lessee or operator thereof shall furnish the borough with a bond in the sum of $5,000, in form and with corporate surety to be approved by the Borough Solicitor, conditioned upon the faithful performance and discharge by the poundkeeper of his duties as bailee of impounded vehicles and to indemnify the owners of vehicles against loss, injury or damage while in his custody.

§ 117-3. Removal and impoundment of vehicles.

A. Whenever a vehicle is found to be in violation of the provisions of any Act of Assembly or the provisions of this chapter or any other borough ordinance, the Police Department[1] may remove such vehicle or cause it to be removed to an approved storage garage. No vehicle shall be removed, however, if at the time of such intended removal the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to immediately remove it.

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1. **Editor's Note: See Ch. 27, Police Department.**

B. Within 12 hours from the time of removal of such vehicle, notice of the fact that such vehicle has been impounded shall be sent by the Police Department to the owner of record of such vehicle, designating the place from which the vehicle was removed, the reason for its removal and impounding and the pound in which it has been impounded.

§ 117-4. Recovery of vehicles.

A. No person shall be permitted to remove from any approved storage garage any vehicle impounded under the provisions of this chapter unless such person:

(1) Furnishes satisfactory evidence of his identity and ownership of the vehicle, or agency on behalf of the owner.

(2) Pays the following costs of towing or removing the vehicle:

Passenger Cars

Crane Tow		**Crane and Dolly Tow**		**Trucks**	
Day	**Night**	**Day**	**Night**	**Day**	**Night**
$10	$15	$22.50	$27.50	$18	$23

(3) Pays for the storage of the vehicle at the rate of $1 per day.

B. Unless the towing and storage charges are paid under protest, the payment of such charges shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid. If payment is made under protest, the offender shall be entitled to a hearing before a District Justice or court of record having jurisdiction, in which case the defendant shall be proceeded against and receive such notice as is provided by the Vehicle Code in other cases of summary offenses and shall have the same rights as to appeal and waiver of hearing.[2]

C. When any impounded vehicle is returned to its owner or to any person on behalf of the owner, such person shall sign a receipt for the vehicle.

§ 117-5. Report of abandoned vehicles.

The person in charge of any approved storage garage in which has been left a vehicle impounded under the provisions of this chapter for a period of 15 consecutive days without being removed by its owner or any other person duly authorized to remove it shall report to the Department of Revenue of the commonwealth within 24 hours of the elapse of such fifteen-day period, giving the name, engine number, manufacturer's serial number, registration plate number and the name and address of the person abandoning the vehicle, if known.

§ 117-6. Records.

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2. **Editor's Note: As to vehicles and traffic generally, see Ch. 118.**

The Police Department shall keep a record of the following:

A. The names and addresses of all owners of vehicles impounded.

B. The names and addresses of all persons claiming such vehicles.

C. The license numbers and such information as may identify the vehicle.

D. The nature and circumstances of the impounding of the vehicle.

E. The violation of the law or ordinance on account of which the vehicle was impounded.

F. The final disposition of the case.

§ 117-7. Other enforcement proceedings.

Nothing in this chapter is intended to prohibit the Police Department from instituting legal proceedings charging the owner or driver of any vehicle with the violation of any other law or ordinance.

§ 117-8. Violations and penalties. [3]

Any person violating any of the provisions of this chapter shall be liable to a penalty of not more than $300 or imprisonment for a term of not more than 30 days, or both, to be collectible before any District Justice of the borough as like penalties are now by law collectible.

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3. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 118

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Council of the Board of Narberth: Art. I, 1-13-1969 by Ord. No. 584, approved 1-13-1969; Art. II, 5-9-1977 by Ord. No. 674, approved 5-9-1977; Art. III, 4-11-1977 by Ord. No. 673, approved 4-11-1977. Amendments noted where applicable.]

ARTICLE I
Traffic and Parking
[Adopted 1-13-1969 by Ord. No. 584, approved 1-13-1969]

§ 118-1. Authority to regulate.

The Public Safety Committee of Council, with the approval of the Council and the Mayor, shall have the power and authority to regulate the direction and speed of vehicle traffic on any or all of the streets and highways of the borough and to fix the time and manner in which vehicles may be parked thereon, subject to the applicable provisions of the Motor Vehicle Code of the Commonwealth of Pennsylvania, said regulations to have the same force and effect when promulgated in writing and after publication in a newspaper of general circulation in the borough as if specifically adopted by the Council.

§ 118-2. Parking for certain purposes prohibited.

No person shall stand or park a vehicle on a street or highway of the borough for the purpose of:

A. Displaying such vehicle for sale.

B. Repairing such vehicle, except repairs necessitated by an emergency.

§ 118-3. Abandonment of vehicles. [1]

It shall be unlawful for any person to abandon a vehicle on or along any street or highway or on property other than that of the owner. A vehicle which has remained on or along any street or highway or on such property for a period exceeding 30 days shall be prima facie evidence of such abandonment; provided that vehicles or equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this section.

§ 118-4. Traffic Court.

The Mayor or a District Justice of the Borough of Narberth may establish a special

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1. **Editor's Note: See also Ch. 117, Vehicles, Abandoned.**

Traffic Court for the hearing of cases of violations of the regulations provided in § 118-2 or the violation of any ordinance of Council or Act of Assembly pertaining to the use of streets and highways and the abandonment of vehicles.

§ 118-5. Violations and penalties.

Any person violating any of the provisions of this Article shall, upon summary conviction before the District Justice, be sentenced to pay a fine of not more than $25 and, in default of payment thereof, shall undergo imprisonment for not more than 10 days.

ARTICLE II
Parking Meters and Parking Meter Zones
[Adopted 5-9-1977 by Ord. No. 674, approved 5-9-1977]

§ 118-6. One-hour parking. [Amended 2-9-1981 by Ord. No. 706, approved 2-9-1981]

A. It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day for more than one hour at a time upon the following-described parts of streets or other areas in the Borough of Narberth, Pennsylvania, which are hereby established as parking meter zones, except such spaces as are or shall be designated as taxicab stands, bus stops, foot crossings, theaters, churches, schools, fireplugs and other places where no parking is allowed:

Name of Street	Side	Location
Essex Avenue [Repealed 7-8-1985 by Ord. No. 750]		
Forrest Avenue	East/west	From the north side of Haverford Avenue to the south side of Windsor Avenue
Haverford Avenue	North	From the east side of Essex Avenue to the west side of North Narberth Avenue
Haverford Avenue	South	From the east side of the driveway of No. 1 Station Circle to the west side of North Narberth Avenue
North Narberth Avenue	East	From the north end of the Penn Central (Conrail) Railroad bridge to the south side of Windsor Avenue
North Narberth Avenue	West	From the north side of Commerce Lane to the posted "Ten Minute Parking" area at the United States Post Office

B. On the portions of streets and the area as set forth in Subsection A, parking spaces

shall be designated adjacent to the curbline by lines marked on the curb or pavement or other appropriate markings; said spaces shall be approximately 22 feet in length where vehicles are to be parked parallel to the curbline and approximately eight feet in width in places where vehicles are to be parked headed towards the curbline; and, on the adjacent sidewalk to such parking spaces and as close to the curbline as practical, a parking meter shall be erected and shall be maintained in good and workable condition, which shall be so set as to display a signal showing legal parking upon the deposit of one ten-cent coin of the United States therein for a period of 15 minutes or one twenty-five-cent coin of the United States therein for a period of one hour; and each meter shall, by its device, clearly set out and continue in operation from the time of depositing such one ten-cent or one twenty-five-cent coin of the United States until the expiration of 10 or 60 minutes and, at the expiration of such times, shall indicate by a proper signal that the lawful parking period has expired. [Amended 4-8-1985 by Ord. No. 748, approved 4-8-1985; 7-8-1985 by Ord. No. 750, approved 7-8-1985]

§ 118-6.1. Ten-hour parking. [Added 7-8-1985 by Ord. No. 750, approved 7-8-1985]

The area of Essex Avenue, east and west sides, from a point approximately plus or minus 150 feet from the north side of Haverford Avenue to the south side of Windsor Avenue shall be established as a ten-hour parking zone. The parking meters in this zone shall be so set as to display a signal showing legal parking upon the deposit of four twenty-five-cent coins of the United States therein for a period of 10 hours and, at the expiration of this time, shall indicate by proper signal that the lawful parking period has expired.

§ 118-7. Two-hour parking. [2] [Amended 2-9-1981 by Ord. No. 706, approved 2-9-1981]

A. It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day, except Sundays, New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day and Christmas Day, for more than two hours at a time within the following described areas in the Borough of Narberth, Pennsylvania, which are hereby established as parking meter zones:

   (1) The area at the rear of and adjacent to properties abutting on the south side of Haverford Avenue, between the west side of North Narberth Avenue and Station Circle, as designated by the Public Safety Committee of the Council and known as "Municipal Parking Lot No. 1."

B. In the areas set forth in Subsection A hereof, parking spaces shall be designed adjacent to the car curb erected there by lines marked on the paving or other appropriate markings. Such spaces shall be approximately 22 feet in length where vehicles are to be parked parallel to the car curb and approximately eight feet in width in places where vehicles are to be parked headed toward the car curb; and on the paving adjacent to such parking spaces and as close to the car curb as practical,

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2. **Editor's Note: Original Sections 3 and 4 of Ord. No. 674, which had appeared herein as former § 118-7, Two-hour parking, were repealed 9-10-1979 by Ord. No. 687, approved 9-10-1979.**

parking meters shall be erected and shall be maintained in good and workable condition, which shall be so set as to display a signal showing legal parking upon the deposit of a twenty-five-cent coin of the United States therein for a period of 120 minutes, and each meter shall, by its device, clearly set out and continue in operation from the time of depositing the said twenty-five-cent coin until the expiration of 120 minutes and, at the expiration of such time, shall indicate by proper signal that the lawful parking period has expired.

§ 118-8. Five-hour parking.

A. It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day for more than five hours at a time upon the following-described parts of streets in the Borough of Narberth, Pennsylvania, which are hereby established as parking meter zones, except such spaces as are or shall be designated as taxicab stands, bus stops, foot crossings, theaters, churches, schools, fireplugs and other places where no parking is allowed:

Name of Street	Side	Location
Windsor Avenue [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979]		
	South	From the east side of Essex Avenue to the west side of Grayling Avenue

B. On the portions of the streets set forth in Subsection A hereof, parking spaces shall be designated adjacent to the curbline by lines marked on the curb or pavement or by other appropriate markers; such spaces shall be approximately 22 feet in length where vehicles are to be parked parallel to the curbline and approximately eight feet in width in places where vehicles are to be parked headed toward the curbline, and on the sidewalk adjacent to such parking spaces and as close to the curbline as practical, parking meters shall be erected and shall be maintained in good and workable condition, which shall be so set as to display the signal showing legal parking upon the deposit of a twenty-five-cent coin of the United States therein for a period of 300 minutes, and each meter shall be its device clearly set out and continue in operation from the time of depositing the said twenty-five-cent coin until the expiration of the 300 minutes, and at the expiration of said time, shall indicate by proper signal that the lawful parking period has expired.

§ 118-9. Station Circle.

A. It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day for more than 30 minutes at a time on Station Circle in the Borough of Narberth, Pennsylvania, parts of which area are hereby established as parking meter zones, except such spaces as shall be designated as taxicab stands, bus stops, foot crossings, fireplugs and other places where no parking is allowed.

B. On Station Circle, vehicles are to be parked headed towards the curbline in spaces approximately eight feet in width, and on the adjacent sidewalk to said parking spaces and as close to the curbline as practical, parking meters shall be erected and shall be maintained in good and workable condition, which shall be so set as to display a signal showing legal parking upon the deposit of one twenty-five-cent coin of the United States therein until the expiration of 30 minutes and, at the expiration of such time, shall indicate, by a proper signal, that the lawful parking period has expired, and such vehicle shall be considered as parked overtime, and the parking of a vehicle overtime in the space where such meter is located shall be a violation of this chapter. [Amended 4-8-1985 by Ord. No. 748, approved 4-8-1985]

§ 118-10. Regulations and restrictions.

A. It shall be unlawful to park motor vehicles outside of or beyond the limits of the designated spaces described in §§ 118-6B, 118-7B, 118-8B and 118-9B. [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979; 2-9-1981 by Ord. No. 706, approved 2-9-1981]

B. In order that the time during which a vehicle is parked on the portions of the streets described in § 118-6A hereof may be properly and conveniently computed, the owner or operator of a vehicle entering a parking space during the time of limited parking shall immediately deposit one ten-cent coin or one twenty-five-cent coin of the United States in the parking meter adjacent to such parking space, and failure to do so shall constitute a violation of this chapter. Upon the deposit of such ten-cent coin in such meter, the parking space may be lawfully occupied by such vehicle during a period of 15 minutes, and upon the deposit of one twenty-five-cent coin, the parking space may be lawfully occupied by such vehicle during a period of one hour. Upon the deposit of one twenty-five-cent coin in the parking meter adjacent to the parking spaces described in § 118-9A hereof, the parking space may be lawfully occupied by such vehicle during a period of 30 minutes. Upon the deposit of one twenty-five-cent coin in the parking meter adjacent to the parking space described in § 118-8A hereof, the parking space may be lawfully occupied by such vehicle during a period of 300 minutes. [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979; 2-9-1981 by Ord. No. 706, approved 2-9-1981; 4-8-1985 by Ord. No. 748, approved 4-8-1985]

C. If such vehicle shall remain parked in any such parking space beyond the limit fixed for the insertion and deposit of one ten-cent or one twenty-five-cent coin, which is 15 minutes for each ten-cent coin and 30 minutes for each twenty-five-cent coin in the meter described in § 118-6A hereof, 30 minutes for each twenty-five-cent coin in the meter zone described in § 118-9A hereof and 300 minutes for each twenty-five-cent coin in the meter zone described in § 118-8A hereof, such vehicle shall be considered as parked overtime, and the parking of a vehicle overtime in the space where any such meter is located shall be violation of this chapter. [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979; 2-9-1981 by Ord. No. 706, approved 2-9-1981; 4-8-1985 by Ord. No. 748, approved 4-8-1985]

D. It shall be unlawful and a violation of this chapter for any person to deposit or cause to be deposited in a parking meter a ten-cent coin for the purpose of increasing or

extending the parking time of any vehicle beyond 15 minutes or a twenty-five-cent coin for the purpose of increasing or extending the parking time of any vehicle beyond one hour in the parking zone described in § 118-6A hereof or to deposit in the parking meter a twenty-five-cent coin for the purpose of increasing or extending the parking time of any vehicle beyond 30 minutes in the parking zone described in § 118-9A hereof. [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979; 2-9-1981 by Ord. No. 706, approved 2-9-1981; 4-8-1985 by Ord. No. 748, approved 4-8-1985]

E. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name to be parked in the parking meter zones herein designated or hereinafter designated in violation of the provisions of this Article.

F. It shall be unlawful to park any vehicle across any line or marking designating a parking space or to park said vehicle in any way that the same shall not be wholly within a parking space as designated by said lines or markings, and in such manner that the hood of such vehicle shall not be alongside of or next to such parking meter adjacent to such parking space in parallel parking spaces, or the radiator shall not be directed at the said meter in rightangle or diagonal parking spaces.

G. It shall be unlawful to deposit or cause to be deposited in any parking meter a slug, device or other substitute for a ten-cent coin of the United States or for a twenty-five-cent coin of the United States.

H. It shall be unlawful to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this Article.

§ 118-11. Purpose of meter fees.

The ten-cent coin or the twenty-five-cent coin required to be deposited in parking meters as provided in this Article is hereby levied and assessed as a fee to cover the costs of installation, supervision, operation, maintenance, inspection, control and use of the parking meters and the regulation of the parking of vehicles in the parking meter zones created hereby, and to provide revenue for general borough purposes.

§ 118-12. Enforcement. [Amended 12-27-1979 by Ord. No. 692, approved 12-27-1979]

A. It shall be the duty of police officers of the borough, acting in accordance with instructions issued by the Mayor, and the parking controller, acting in accordance with instructions issued by the Borough Council, to report:

(1) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this Article.

(2) The state license number of such vehicle.

(3) Such length of time during which such vehicle is parked in violation of any of the provisions of this Article at the time of his/her inspection, provided that he/she has knowledge of such length of time.

(4) Any other facts, a knowledge of which is necessary for a thorough understanding of the circumstances attending such violation.

B. Each police officer or the parking controller shall also place on such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of this Article and instructing such owner as to provisions for payment of such violation or penalties for failure to pay such violation. Each such owner may, within 48 hours of the time when such notice was attached to such vehicle, pay at the borough office or in the box as provided on the parking ticket, as a penalty for and in full satisfaction of such violation, the sum of $5. The failure of such owner to make such payment at the borough office or in the box as provided on the parking ticket within said period of 48 hours shall render such owner subject to the penalties hereinafter provided for the violation or the provisions of this Article.

§ 118-13. Violations and penalties. [Amended 12-27-1979 by Ord. No. 692, approved 12-27-1979]

Any person, firm or corporation violating the provisions of this Article or aiding, abetting or assisting in the violation of said provisions shall, upon conviction before any District Justice of the Borough of Narberth, be sentenced to pay a fine of $10 for each offense, to be collected as fines and penalties are now by law collectible.

§ 118-14. Implementation.

The proper officers of the borough are hereby authorized and directed to enter into a contract for the purchase and installation of parking meters, the payment of such meters and installation thereof to be provided for solely from the receipts, funds and revenues obtained by the borough from the operation of said parking meters without in any manner obligating the borough to pay for same from other sources, and to enter into a contract or contracts for such parts and maintenance of said parking meters as may be necessary to maintain same in good operating condition, and to pay for such parts and maintenance exclusively from the receipts, funds and revenues received from the operation of said parking meters.

ARTICLE III
Privileged Parking
[Adopted 4-11-1977 by Ord. No. 673, approved 4-11-1977]

§ 118-15. Definitions.

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

AUTOMOBILE — A motor vehicle used primarily for the transportation of passengers and which is owned or leased by and actually used by the owner or lessee of a single-family detached, semidetached or multiple dwelling or commercial building for his own transportation or use. [Amended 8-14-1978 by Ord. No. 678, approved 8-14-1978]

COMMERCIAL BUILDING — A building designed for or used exclusively or in part for commercial purposes. [Added 8-14-1978 by Ord. No. 678, approved 8-14-1978]

MULTIPLE OR CONVERTED DWELLING — A building designed for or occupied exclusively or in part as a residence for two or more families living independently of one another.

OWNER OR LESSEE — The principal occupant of a single-family detached, semidetached or multiple dwelling or commercial building. [Amended 8-14-1978 by Ord. No. 678, approved 8-14-1978]

SINGLE-FAMILY DETACHED DWELLING — A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

SINGLE-FAMILY SEMIDETACHED DWELLING — A building designed for and occupied exclusively as a residence for only one family and having a party wall in common with an adjacent building.

§ 118-16. Administration.

This Article shall be administered by the Secretary of the Borough of Narberth, who shall prepare and issue such application forms, permits and resident parking stickers as may be necessary and who shall keep suitable records of permits issued and outstanding and of fees paid.

§ 118-17. Application for and issuance of permits. [Amended 8-14-1978 by Ord. No. 678, approved 8-14-1978]

Upon application to the Secretary, payment of a permit fee and presentation to the Secretary of a current operator's license and motor vehicle registration card, an owner or lessee of a single-family detached, semidetached or multiple dwelling or commercial building located within areas hereinafter specifically designated or which may be hereafter added to this Article by resolution shall be entitled to one or more permits and parking stickers entitling him to park his automobile or automobiles, during the calendar year for which such permits and stickers are issued, in the hereinafter-mentioned unmetered street which abuts or may be in the immediate vicinity of his single-family detached, semidetached or multiple dwelling or commercial building without regard to parking time limits which are imposed by other borough ordinances or regulations affecting such unmetered streets; provided, however, that owners or lessees of commercial buildings shall be restricted to a total of two parking stickers or permits for each full 22 linear feet of street frontage of the lot on which such commercial building is situated.

§ 118-18. Use of permits and parking stickers.

The permits and resident parking stickers issued by the Borough Secretary shall be limited in use for extended parking to an owner's or lessee's residence area, shall be destroyed when the owner or lessee moves from the residence area and shall be nontransferable either from person to person or from automobile to automobile. If an owner or lessee replaces his automobile, he must apply for and obtain a new permit and resident parking sticker. The sticker must be prominently displayed on the automobile for

which it was issued (in a manner consistent with the Pennsylvania Motor Vehicle Code) and the corresponding permit must be produced upon demand made by any Borough of Narberth police officer.

§ 118-19. Application fee.

The application fee for a permit and resident parking sticker, which shall be payable to the Borough Secretary, shall be $1 for each calendar year.

§ 118-20. Areas affected.

The following are the areas affected by this Article:

Name of Street	Side	Location
Chestnut Avenue [Added 6-9-1980 by Res. No. 699]	North	From South Essex Avenue to South Narberth Avenue
Dudley Avenue	West	From Haverford Avenue to Windsor Avenue
Elmwood Avenue	South	From South Narberth Avenue to Maple Avenue
Essex Avenue	East	From Chestnut Avenue to Elmwood Avenue
Grayling Avenue [Added 6-9-1980 by Ord. No. 699]	Both	From Woodbine Avenue to Price Street
Hampden Avenue [Added 6-9-1980 by Ord. No. 699]	East	From Woodbine Avenue to the dead end
Iona Avenue [Added 6-9-1980 by Ord. No. 699]	Both	From Woodbine Avenue to Montgomery Avenue
North Narberth Avenue [Added 6-9-1980 by Ord. No. 699]	West	From Wayne Avenue to Price Avenue
Price Avenue [Added 6-9-1980 by Ord. No. 699]	South	From North Narberth Avenue to Montgomery Avenue
Wayne Avenue [Added 6-9-1980 by Ord. No. 699]	South	From Essex Avenue to North Narberth Avenue
Williams Avenue [Added 6-9-1980 by Ord. No. 699; amended 9-9-1985 by Res. No. 751]	Both	Entire length
Windsor Avenue [Added 6-9-1980 by Ord. No. 699]	North	From Essex Avenue to Forrest Avenue
Windsor Avenue [Added 6-9-1980 by Ord. No. 699]	North	From Forrest Avenue to the garages opposite the post office loading lot
Woodbine Avenue [Added 6-9-1980 by Ord. No. 699; amended 9-9-1985 by Res. No. 751]	Both	From Iona Avenue to Montgomery Avenue
Woodside Avenue	Both	From South Narberth Avenue to Maple Avenue

§ 118-21. Modification of affected areas.

The areas affected or to be affected by this Article, including those hereinabove mentioned, can be added to, extended, removed or decreased by resolution of the Borough Council.

§ 118-22. Notice of modification of affected areas.

Copies of any resolutions modifying this Article will be available during regular working hours in the office of the Borough of Narberth. There will be no charge for copies.

§ 118-23. Violations and penalties.

Any person who shall violate any of the provisions of this Article shall be liable, on conviction thereof, to a fine or penalty not exceeding $300 for each and every offense, to be collected in summary proceedings as like fines or penalties are now by law collectible, and to revocation of his permit by the Borough Secretary.

Narberth Borough

FORM BASED ZONING CODE

Chapter 124

Proposed Ordinance | April 2016

Narberth Borough Council

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Gigi Tevlin-Moffat, *Vice President*

Barbara Fortner

Marlene Richmond

Charles Silio

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Article 1 Intent, Authority, and Applicability

§124-101 Intent

A. The Borough intends to preserve, maintain, and enhance the early twentieth-century urban form present and mostly intact in the Borough while providing reasonable standards for redevelopment and change in the foreseeable future.

B. The Borough shall regulate new construction to achieve a rational organization of buildings, streetscapes, and public areas as connected districts defined by varying common community character along a gradient of more intense areas of high-density housing, mixed-use, and commercial areas to less dense residential areas.

C. The Borough intends to promote a variety of housing types inclusive of a range of size, number of units per acre, and design.

D. The Borough will regulate elements of building form to ensure that new development is compatible with existing patterns of urban design.

E. The Borough will regulate the fronts of buildings and their relationship to public streets to promote and maintain Narberth's walkable and inviting streetscape.

F. The Borough will regulate the placement of buildings on a lot to further enhance and maintain public spaces.

G. The Borough will regulate the expansion of residential, mixed-use, and nonresidential buildings to accommodate changing economic and community conditions while preserving the standards of urban design relating to new structures found in the Code.

H. The Borough will discourage the demolition of existing buildings of historic, civic, or cultural importance by accommodating various options for reuse and rehabilitation conditioned, among other things, on the preservation of important architectural features.

I. The Borough will regulate uses in appropriate districts and acknowledges that some uses such as heavy industry and manufacturing are not compatible with high-density residential areas.

J. The Borough will regulate off-street parking requirements and the design and placement of parking facilities to maintain Narberth's walkable neighborhoods, buffer large lots adjacent to residences, provide convenient areas to park, and accommodate needs of the business community.

K. The Borough will regulate the location, size, amount, and design of signs to preserve a pedestrian-scaled environment in commercial areas and avoid aesthetic and light pollution issues with nearby residential areas while providing reasonable standards for the advertising of businesses.

L. The Borough will regulate the planting, maintenance, and replacement of shade trees in or adjacent to the public right-of-way to maintain and enhance urban forest cover and its aesthetic, public health, and financial benefits including shading, reduced heat island effect, and stormwater management.

M. The Borough will regulate a variety of supplemental elements such as lighting, trash and loading areas, fences, and accessory buildings to further the goals of preservation and enhancement of Narberth's walkable urban design.

§124-102 Authority

A. This Chapter is enacted in accordance with the provisions of the Municipalities Planning Code, Act 247, and the Pennsylvania Borough Code.

§124-103 Applicability

A. The following activities shall conform to standards of this Chapter:

1. Subdivision.
2. Land development.
3. Permits for construction of a new principal or accessory building.
4. Permits for additions and exterior alterations of principal buildings and accessory buildings.
5. Permits for a change of use.
6. Permits for the construction, removal, or expansion of off-street parking or driveways.
7. All structures and uses lawfully nonconforming with the standards of this Chapter may continue to be lawfully used, maintained, and altered according to applicable standards of this Chapter.

B. This Chapter shall not apply to:

1. The routine maintenance of the exterior of existing structures such as repainting, repair, roof replacement, restoration, or the replacement of doors and windows with those of like dimensions.
2. Any building owned by the Borough of Narberth or extension thereof, or to the use of any premises by said Borough, if at any time hereafter the Council of the Borough shall, after a public hearing, 10 days' notice of the time and place of which shall be published in a paper of general circulation in the Borough decide that such building or extension thereof, or that such use of premises is reasonably necessary for the convenience or welfare of the public.

Article 2 Zoning Districts

§124-201 Explanation of Zoning Districts

A. **Neighborhood Residential District (3a)** – This district includes many of the least intensely developed areas of the Borough and is characterized by larger lots of single-family homes with larger setbacks and yards. Single-family detached is the only building type permitted in this district. Neighborhoods shall be connected via sidewalks to the rest of the Borough to allow easy and safe pedestrian access. Many, if not most, homes in this district have off-street-parking.

B. **Mixed Residential Limited District (3b)** – This district covers the largest portion of residences and neighborhoods of Narberth. A number of different housing types are permitted in this district including twins and multifamily house building types. Neighborhoods shall be connected via sidewalks to the rest of the Borough to allow easy and safe pedestrian access.

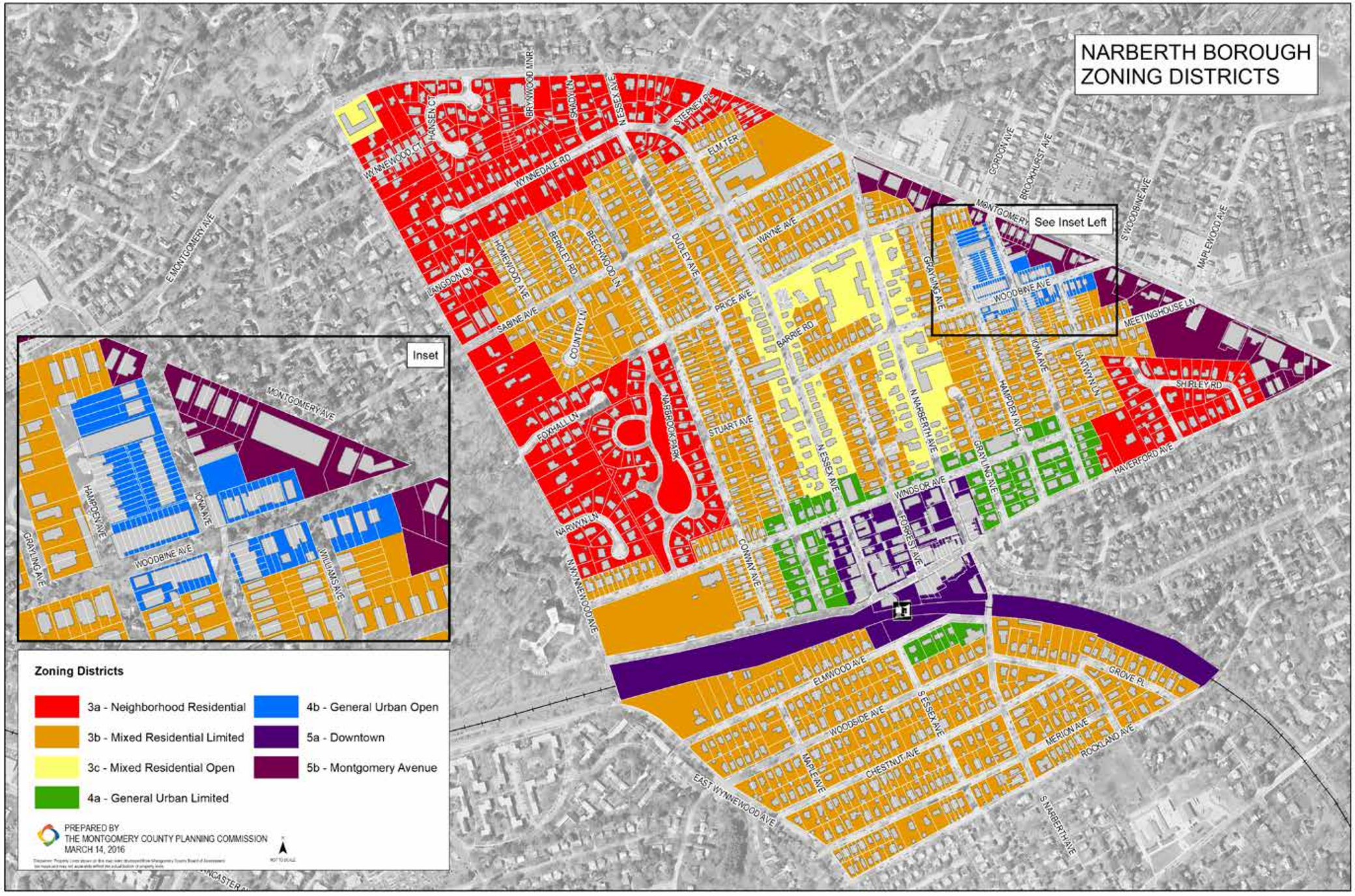
C. **Mixed Residential Open District (3c)** – This district permits a wide variety of housing types, including multifamily dwellings. A mixture of on-street and off-street parking can be found in the district; however many homes have only on-street parking. Schools, civic buildings, and religious institutions are found in this district as well. A limited number of nonresidential uses are permitted by conditional use in existing religious and institutional buildings to encourage preservation and adaptive reuse. Neighborhoods shall be connected via sidewalks to the rest of the Borough to allow easy and safe pedestrian access.

D. **General Urban Limited District (4a)** – This district consists of a variety of residential housing types with a higher percentage of multiple-unit dwellings. The district is organized as a transition area between Narberth's downtown and adjacent residential neighborhoods. A limited number of nonresidential uses are permitted by conditional use in some existing residential and religious structures on some lots to encourage preservation and adaptive reuse of older buildings. Neighborhoods shall be connected via sidewalks to the rest of the Borough to allow easy and safe pedestrian access.

E. **General Urban Open District (4b)** – This district consists of dense residential housing types with mixed-use buildings and nonresidential uses connected by sidewalks at a higher density than most neighborhoods in Narberth. Row homes dominate the small neighborhood. Front setbacks are small and most structures share a party wall with their neighbor. A variety of nonresidential uses are permitted on corner properties by special exception.

F. **Downtown District (5a)** – This district consists of a small commercial, mixed-use neighborhood located close to the train station. This area is zoned to permit a variety of housing and retail uses, preferably organized as multiple-story, mixed-use structures. Sidewalks shall be wider to accommodate greater numbers of pedestrians.

§124-202 Borough Zoning Map



G. **Montgomery Avenue District (5b)** – This district consists mostly of commercial buildings and uses located on Montgomery Avenue. This area is zoned for mixed-use and commercial building types with wide sidewalks and shall be connected to the rest of the Borough to allow easy and safe pedestrian access.

Article 3 Standards for Use

§124-301 Permitted Uses

A. General to by-right uses in all zoning districts:

1. Any principal building(s) on a lot may be used for the purposes stated in Tables (1, 2, and 3) according to the zoning district in which the building is located, the building type proposed, and the standards therein.
2. Any principal building on a lot may be used for more than one of the uses permitted in Tables (1, 2, and 3) provided that all standards of this Chapter have been met for all uses and all of the uses are permitted in the building type.
3. Any use of similar character, impact, appearance, and intensity as any of the uses specifically permitted shall be permitted when authorized as a special exception according to the standards of §124-301.B.2 *Special exception criteria specific to uses not defined in this Chapter* and §124-902 *Special Exception Standards and Criteria.*
4. Accessory uses on the same lot with and customarily incidental to any permitted use are permitted.

B. Uses permitted by special exception:

1. Specific criteria for special exceptions in 4b General Urban Open zoning district.
   a) Lots authorized for special exception uses must be located at the corners of blocks with at least two frontages.
   b) The applicant shall apply for a special exception according to the procedure and standards set forth in §124-902 *Special Exception Standards and Criteria* of this Chapter.
2. Special exception criteria specific to uses not defined in this Chapter.
   a) Impacts on neighboring properties and streets such as light, noise, customer activity, deliveries, or odors, shall be similar to those impacts expected from uses otherwise permitted in the district.
   b) Off-street parking requirements shall be no less than other similar uses otherwise permitted in the district.
   c) Vehicular traffic generated by the use shall be the same as other similar uses otherwise permitted in the district.

C. Uses permitted by conditional use:

1. Specific criteria for conditional uses in the 3b Mixed Residential Limited and 3c Mixed Residential Open zoning districts.

a) Conditional uses are permitted only in existing civic/institutional building types as defined and shown on the map titled "Existing Civic/Institutional Building Types" as an appendix to this Chapter or in proposed civic/institutional buildings as defined in this Chapter.

b) The applicant shall apply for a conditional use according to the standards in this Section and the procedure set forth in §124-804 *Conditional Use* of this Chapter.

c) In addition to the application standards of §124-95.B, the applicant shall demonstrate that an application for a building permit, land development, or subdivision shall preserve characteristic architectural features by demonstrating the following historic preservation standards:

   i. The exact location of work to be done on the site.

   ii. The exterior changes to be made or the exterior character of the structure to be erected or additions proposed.

   iii. The effect of the proposed change upon the general historic and architectural nature of the property.

   iv. The appropriateness of exterior architectural features or structures involved in the proposed work.

   v. The general design, arrangement, texture, material, scale, mass, and color of any affected building, structure or site, and the relation of such factors to similar features of other structures on the property.

   vi. In the event that replacement of contributing architectural features is unavoidable, the new material shall, as closely as possible, match the material being replaced in kind. At a minimum, the composition, design, color, texture and other aesthetic qualities shall be sympathetic to and in character with the existing building. In instances where original materials are either unavailable or their use economically infeasible, Borough Council may approve the use of materials that are aesthetically consistent with the historic resource.

   vii. The preservation of distinctive stylistic features or examples of skilled craftsmanship.

   viii. Additions or exterior changes such as exit stairs shall be located in the third lot layer not along a public frontage to the greatest extent possible, unless in the opinion of Borough Council, another arrangement better preserves the unique architectural features of the existing structure.

d) As a condition of approval, by conservation easement, façade easement, or condominium association documentation, requiring Borough Planning Commission review and Borough Council approval for subsequent modification of amendment, or appropriate covenant in a form acceptable to Borough Council, the applicant shall guarantee the permanent protection of the design integrity of all civic/institutional buildings on the lot indicated in the aforementioned map "Existing Civic/Institutional Building Types." The guarantee shall meet the following minimum standards, unless waived by Council:

   i. Surface materials shall be maintained or replaced with like materials and assemblies.

   ii. Window or door openings shall not be altered, other than for maintenance or replacement with like materials and assemblies.

   iii. There shall be no further additions or structural alterations to the buildings, except for the replacement of existing features such as porches, patios, etc. with like materials and assemblies.

   iv. To preserve existing pedestrian pathways between building exits and entrances and the sidewalk, there shall be no further alterations to locations of exits or entrances.

   v. Utilities located on the exterior of existing buildings, such as heat pumps, central air conditioning units, etc., shall not be relocated except to areas that are equally less visible from any frontage.

vi. Landscaping shall be maintained to preserve easy ingress and egress and views of and from the subject buildings.

vii. No additional residential units or nonresidential space shall be constructed within existing structures beyond those approved by conditional use.

viii. Subsequent modifications or amendments to the document shall require Borough Planning Commission review and Borough Council written approval.

ix. All express conditions established by Borough Council for conditional use approval shall be followed.

x. Borough Council shall have the right to enforce the document that establishes the guarantees and be permitted access to the premises at reasonable times for the purpose of examining and inspecting the material and elements of the façades for determining compliance with the document.

xi. The document establishing the guarantees shall be binding of the applicant, its successors, assigns, transferees, and all persons thereafter claiming by, under, or through the applicant, and the document shall run with the land.

e) Specific to proposed nonresidential uses in civic/institutional buildings:

i. Nonresidential use of the building, including any basement storage areas in conjunction with the nonresidential use, shall comprise not more than 50% of the floor area.

ii. Parking spaces required by provisions of this Chapter may be located in the front yard setback by conditional use.

iii. The provisions related to privileged parking and the issuance of parking permits pursuant to §118-15 through §118-23 shall not apply to buildings converted under this Section insofar as occupants utilizing the buildings for nonresidential uses, including employees, personnel, or other such workers, shall not be entitled to a parking permit or parking sticker that allow such persons on-street parking in the immediate vicinity of the subject property. In order to ensure adequate on-street parking facilities, Borough Council may designate on-street parking permit locations for such persons that are different than the parking zones in the immediate vicinity of the subject property as part of a conditional use approval. Further, occupants utilizing the buildings for a residential use shall be limited to one parking permit or parking sticker per residential unit. Borough Council may waive such regulations under this paragraph as part of conditional use approval.

2. Specific criteria for conditional uses in the 4a General Urban Limited zoning district:

a) Conditional uses are permitted only in buildings indicated in the Montgomery County Board of Assessment tax record as having been built in or before 1900 and existing on lots of at least 7,500 square feet; or in buildings indicated in the Montgomery County Board of Assessment tax record as having been built in or before 1920 and existing on lots of at least 10,000 square feet at the time of adoption of this ordinance; as shown on the map titled *Conditional Use Eligible Buildings in the 4a General Urban Limited District* as an appendix to this Chapter.

b) The applicant shall apply for a conditional use according to the procedure set forth in §124-804 *Conditional Use* of this Chapter and the standards and procedures therein as well as the standards of §124-304.G *Conversion of detached house or multifamily house building types to accommodate additional families in 3a, 3b, 3c, 4a zoning districts* when applicable, and any applicable performance standards of §124-304 *Performance Standards for Specific Uses.*

c) Conditional uses proposed in an existing civic/institutional building type as defined and shown

on the map titled "Existing Civic/Institutional Building Types" as an appendix to this Chapter shall as a condition of approval comply with Section §124-301.C.

§124-302 Lots or Buildings Located in more than one Zoning District

A. Any principal building(s) on a lot located in more than one zoning district may be used for the by-right uses stated in Table (1) *By-Right Uses* according to the zoning district in which the building is entirely located.

B. Any principal buildings(s) located in more than one zoning district may be used for by-right uses stated in Table (1) *By-Right Uses* according to the zoning districts in which the building is located when authorized by special exception according to the following standards and §124-902 *Special Exception Standards and Criteria.*

C. Special exception criteria specific to buildings located in more than one zoning district:

1. For buildings whose footprint is located in more than one zoning district, the more restrictive of the districts' setbacks found in Table (4) *Site Planning* shall apply to all lot lines to the building in more than one zoning district.
2. Uses authorized in any zoning district in which any portion of the building is located are authorized anywhere in the building, provided that the main entrance to the building accessing those uses is located in the district they are authorized.

§124-303 Nonconforming Uses

A. Continuation of lawful use – The lawful principal use of a building or one authorized by permit issued prior to the effective date of this Chapter may be continued although such use does not conform to the provisions of this Chapter.

B. Abandonment – When a use is abandoned for a continuous period of 12 months, any subsequent use shall be in conformity with the provisions of this Chapter.

C. Change or expansion of a nonconforming use – A nonconforming use may be expanded or changed to another nonconforming use of the same use type shown in Table (1), *By-Right Uses*, when authorized as a special exception subject to the following limitations and the standards and procedures of §124-902 *Special Exception Standards and Criteria:*

1. Any such expansion or extension shall be limited to the lot on which the use is located, as that lot was defined when the use became nonconforming.
2. The total of all increases in the area devoted to the use shall not exceed 25% of the area devoted to the use on November 11, 1996, or on the date the use became nonconforming, whichever is later. The term "area devoted to use" means the total of the floor area and, for any portions of the use not conducted in a building, the lot area actually utilized in connection with the nonconforming use.

D. Reconstruction – A nonconforming building that is destroyed by accidental cause may be rebuilt and used for the same nonconforming use, provided that the following conditions are met:

1. The reconstruction of the building is commenced within one year from the date the building was destroyed, unless the Zoning Hearing Board shall authorize as a special exception an extension of this time limit, and shall be carried through to completion without undue delay.
2. The reconstructed building does not exceed in height and area the building destroyed.

Table (1) By-Right Uses

	USE TYPE	3a	3b	3c	4a	4b	5a	5b
RESIDENTIAL USE	RESIDENTIAL							
	One Family Dwelling	dh	dh,tw	dh,tw	dh,tw	dh,rh,tw		
	Two Family Dwelling		dh	dh	dh	dh		
	Multiple Family Dwelling		mh	ab,mh	ab,mh	ab,mh,mu	mu	mu
NONRESIDENTIAL USES	OFFICE AND PROFESSIONAL SERVICE							
	General Office						mu	cm,mu
	Professional Office						mu	cm,mu
	Medical Office						mu	cm,mu
	Financial Institution						mu	cm,mu
	Funeral Home						mu	cm,mu
	RETAIL AND LIGHT INDUSTRY							
	Store						cm,mu	cm,mu
	Retail Bank						cm,mu	cm,mu
	Restaurant						cm,mu	cm,mu
	Manufacturing						cm,mu	cm,mu
	Personal Service						cm,mu	cm,mu
	Temporary Market						cm,mu	cm,mu
	Studio						cm,mu	cm,mu
	Entertainment Venue						cm,mu	cm,mu
	Small Restaurant						cm,mu	cm,mu
	OTHER							
	Bed and Breakfast						mu	mu
	No-Impact Home-Based Business	any	any	any	any	any	any	any
	AUTOMOTIVE							
	Fueling Station							cm
	Automobile Service							cm
	CIVIC							
	Parks And Open Space	any	any	any	any	any	any	any
	Library		any	any	any	any	any	any
	INSTITUTIONAL							
	School						ci,mu	ci,cm,mu
	Child Care Center						ci,mu	ci,cm,mu
	Group Child Care Home						ci,mu	ci,cm,mu
	Family Child Care Home		dh	dh	dh	dh		
	Museum						ci,mu	ci,cm,mu
	Commmunity Service						ci,mu	ci,cm,mu
	Religious							

BUILDING TYPES

any *any building type*
ab *apartment building*
ci *civic/institutional*
cm *commercial*
mh *multifamily house*
mu *mixed-use*
dh *detached house*
rh *row house*
tw *twin house*

Table (2) Special Exception Uses

	USE TYPE	3a	3b	3c	4a	4b	5a	5b
RESIDENTIAL USE	RESIDENTIAL							
	One Family Dwelling							
	Two Family Dwelling							
	Multiple Family Dwelling							
NONRESIDENTIAL USES	OFFICE AND PROFESSIONAL SERVICE							
	General Office							
	Professional Office					cm,mu		
	Medical Office					cm,mu		
	Financial Institution					cm,mu		
	Funeral Home							
	RETAIL AND LIGHT INDUSTRY							
	Store					cm,mu		
	Retail Bank					cm,mu		
	Restaurant					cm,mu		
	Manufacturing					cm,mu		
	Personal Service					cm,mu		
	Temporary Market					cm,mu		
	Studio					cm,mu		
	Entertainment Venue					cm,mu		
	Small Restaurant					cm,mu		
	OTHER							
	Bed and Breakfast							
	No-Impact Home-Based Business							
	AUTOMOTIVE							
	Fueling Station							
	Automobile Service							
	CIVIC							
	Parks and Open Space							
	Library							
	INSTITUTIONAL							
	School							
	Child Care Center							
	Group Child Care Home							
	Family Child Care Home							
	Museum or Gallery					cm,mu		
	Commmunity Service					cm,mu		
	Religious							

BUILDING TYPES

any *any building type*
ab *apartment building*
ci *civic/institutional*
cm *commercial*
mh *multifamily house*
mu *mixed-use*
dh *detached house*
rh *row house*
tw *twin house*

Table (3) Conditional Uses

	USE TYPE	3a	3b	3c	4a	4b	5a	5b
RESIDENTIAL USE	RESIDENTIAL							
	One Family Dwelling		ci	ci	ci			
	Two Family Dwelling		ci	ci	ci			
	Multiple Family Dwelling		ci	ci	ci			
NONRESIDENTIAL USES	OFFICE AND PROFESSIONAL SERVICE							
	General Office							
	Professional Office		ci	ci	any			
	Medical Office				any*			
	Financial Institution							
	Funeral Home				any*			
	RETAIL AND LIGHT INDUSTRY							
	Store				any*			
	Retail Bank							
	Restaurant							
	Manufacturing							
	Personal Service				any*			
	Temporary Market		ci	ci	any			
	Studio		ci	ci	any			
	Entertainment Venue							
	Small Restaurant				any*			
	OTHER							
	Bed and Breakfast		ci	ci	any			
	No-Impact Home-Based Business							
	AUTOMOTIVE							
	Fueling Station							
	Automobile Service							
	CIVIC							
	Parks and Open Space							
	Library							
	INSTITUTIONAL							
	School		ci	ci	ci			
	Child Care Center		ci	ci	any			
	Group Child Care Home		ci	ci	any			
	Family Child Care Home							
	Museum or Gallery		ci	ci	any			
	Commmunity Service		ci	ci	any			
	Religious		ci	ci	ci	ci		

BUILDING TYPES

any *any building type*
any* *permitted in any building type except civic/institutional building types*
ab *apartment building*
ci *civic/institutional*
cm *commercial*
mh *multifamily house*
mu *mixed-use*
dh *detached house*
rh *row house*
tw *twin house*

§124-304 Performance Standards for Specific Uses

A. Religious and school.

1. The minimum lot area shall be 18,000 square feet.
2. Driveways shall be located no closer than 20 feet to a property line.
3. Parking areas shall be set back no less than 12 feet from any property line.

B. Child care centers, group child care homes, and family day care homes.

1. Operators shall hold a currently valid registration certificate with the Pennsylvania Department of Welfare as a condition of approval and continued operation.
2. Outdoor play areas, in the amount required by State Law, shall be provided in the side or rear yard areas on-site.
3. Any alteration to an existing residential structure shall comply with the standards of this Chapter.
4. For child care centers, a drop-off area shall be provided either off-street or on a road frontage of the lot. When an on-street drop-off area is used it shall be no less than 40 feet in length and shall be designated as a temporary loading zone, during the times when the day care facility is receiving or dismissing children.

C. Fueling station and automobile service.

1. Repair of automobiles shall be performed within a building.
2. All automobile parts, dismantled vehicles and similar articles are to be stored within a building.
3. All automobile uses shall be located on a lot with at least one frontage on Montgomery Avenue.
4. This use shall not share a building with a residential, office, or institutional use.

D. Bed and breakfast.

1. No more than five guest rooms shall be permitted on a lot.
2. Meals shall be limited to breakfast and lunch and served on-site only to guests.
3. An owner or manager shall reside on the property.
4. No guest may remain longer than seven consecutive days.

E. Manufacturing.

1. The minimum lot width shall be 50 feet.
2. The minimum lot area shall be 6,000 square feet.
3. Air Pollution Controls. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. 4001-4015 as amended, and the following standards:
   a) Smoke – Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 10% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 30% at any time, and shall comply with PA Code Title 25, Chapter 127.A(7), or its most recent update.
   b) Emission of smoke, dust, dirt, fly ash or other particulate matter, or of noxious, toxic or corrosive fumes, vapors or gases in such quantities as to be evident or perceptible at the property line of any lot on which a use is conducted, or which could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby

properties; or which could soil or stain persons or property, at any point beyond the lot line of the use creating that emission, shall be prohibited.

c) No emission of particular matter shall exceed 0.0115 grams per dry standard cubic foot, corrected to 7% oxygen. Provisions must be made to reduce dew point cycling and resulting damage to particulate control devises, and shall comply with PA Code Title 25, Chapter 127.A(1), or its most recent update.

d) For measurement of the amount of particles in gases resulting from combustion, standards correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50% excess air.

e) All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C.S., Section 7412) as promulgated in 40 CFR part 61, or its more recent update.

4. Noise Control.

a) Objectionable noises, due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

b) At no point on the lot boundary of use shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below, except for alarm systems designed to protect persons or property.

Octave Band Center Frequency (Hertz)	Along Boundaries with Residential Districts or Uses, between 8 A.M. and 9 P.M.; Maximum Permitted Octave Band Sound Pressure Level (decibels, dbA scale)	Along Boundaries with Residential Districts or Uses, between 9 P.M. and 8 A.M.; Maximum Permitted Octave Band Sound Pressure Level (decibels, dbA scale)	Along All Other Boundaries; Maximum Permitted Octave Band Sound Pressure Level (decibels, dbA scale)
31.5	75	69	80
63	74	67	79
125	69	62	74
250	64	54	69
500	58	47	63
1,000	52	41	57
2,000	47	36	52
4,000	43	32	48
8,000	40	32	45

c) Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 American Standard Meter for the Physical Measurements of Sound.

5. Control of Odors.

a) No person, land use, or establishment shall cause, suffer, or permit the emission into the outdoor

atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable beyond the property line, either at ground level or at a habitable elevation.

b) Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be provided and maintained to support primary odor reduction equipment.

c) The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents, or aromas shall be shown on the plan, with a description of the source materials.

6. Heat and Glare Control.

a) Any use producing heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

b) No person, land use, or establishment shall be permitted to produce glare, or reflection of that light, beyond its lot lines onto neighboring properties, or onto any street.

7. Vibration Control. No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

8. Control of Radioactive, Magnetic or Electrical Disturbance. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical or magnetic disturbance (except from domestic household appliances) adversely affecting any use, process, equipment, appliance, or device located beyond the property boundary of the creator of such disturbance. All uses are obliged to comply with all federal and state regulations.

F. No-impact home-based businesses.

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The business shall employ no employees other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

7. The business activity shall be conducted within the principal or accessory building and may not occupy more than 25% of the habitable floor area of the principal building.

8. The business may not involve any illegal activity.

G. Conversion of detached house or multifamily house building types to accommodate additional families in the 3a, 3b, 3c, and 4a zoning districts.

1. The applicant shall apply for a special exception according to the procedure and standards of §124-902 *Special Exception Standards and Criteria* of this Chapter as well as the following standards.
2. Site plan standards of §124-401 *Site Plan Standards* shall apply.
3. Off-street parking requirements of §124-601 *Parking* shall be satisfied.
4. Only one entrance shall be permitted in the front façade. Such entrance may be shared amongst families in the structure. Any additional entrance must be constructed to the side or rear of the building.
5. Fire escapes shall be constructed in the third lot layer and located, where practicable, to the rear of the building.
6. When exterior alterations or additions are proposed as part of the conversion, the standards of §124-501.E *Specific to additions to detached house and multifamily house building types in the 3a, 3b, 3c, and 4a zoning districts* shall be satisfied.

H. Temporary markets.

1. No more than one temporary market shall be permitted on a lot at any given time.
2. Temporary markets may be located within a principal or accessory building or in a parking area on the lot.
3. Sales shall only be permitted between the hours of 9:00 A.M. and 7:00 P.M.
4. All structures erected for the market shall be temporary in nature and shall be removed upon the close of business each day. All temporary structures shall not be located in setback areas of principal buildings in the zoning district in which the market is located.
5. Temporary markets shall be open no more than one day during each consecutive seven-day period.
6. Only yard and sidewalk signs are permitted according to the standards of §124-606 *Signs* and only during hours that the market is open for business and only on the lot.

Article 4 Standards for Site Plans

§124-401 Site Plan Standards

A. General to all zoning districts:

1. The dimensional standards for site planning and building placement found in Table (4) *Site Planning* of this Chapter shall be satisfied according to the zoning district in which the property is located. Additional site plan standards are found in §124-502 *Building Type* for the building type proposed.
2. Buildings located mid-block shall be designed with a front façade facing the street. In the case of corner lots, the front façade may face either street with a preference for the street with a greater number of existing homes on the block. Where a more appropriate orientation exists, Borough Council or the Zoning Officer shall have the authority to identify the front façade and primary

Table (4) Site Planning

MINIMUM LOT SIZE	3a	3b	3c	4a	4b	5a	5b
Detached House	7,500 sq. ft. existing lot 10,500 sq. ft. proposed lot	6,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	■	■
Twin House, each half	■	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.	■	■
Rowhouse	■	■	■	■	1,400 sq. ft.	■	■
Multifamily House	■	3,000 sq. ft. per family	3,000 sq. ft. per family	3,000 sq. ft. per family	2,000 sq. ft. per family	4,000 sq. ft.	■
Apartment Building	■	■	8,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
Civic Institutional Building	■	18,000 sq. ft.	18,000 sq. ft.	18,000 sq. ft.	18,000 sq. ft.	18,000 sq. ft.	18,000 sq. ft.
Commercial Building	■	■	■	■	■	4,000 sq. ft.	4,000 sq. ft.
Mixed Use Building	■	■	■	■	2,000 sq. ft.	2,000 sq. ft.	4,000 sq. ft.
MINIMUM LOT WIDTH							
Detached House	50′	40′	40′	40′	40′	■	■
Twin House, each half	■	25′	25′	25′	20′	■	■
Rowhouse	■	■	■	■	14′	■	■
Multifamily House	■	60′	60′	60′	50′	40′	■
Apartment Building	■	■	80′	80′	60′	40′	40′
Civic Institutional Building	■	100′	100′	100′	100′	100′	100′
Commercial Building	■	■	■	■	■	40′	40′
Mixed Use Building	■	■	■	■	20′	20′	40′
SETBACKS							
Front, Principal Building(s)	median	median	median	25' minimum	mid block 20′ corner lot 0′ min, 6′ max	Edge of sidewalk or 6′ from curb whichever is greater,maximum 12′	3'6" minimum, 9'6" maximum
Minimum Side, Principal Building(s)	10′	7′ for all building types except 0' for twin house building type at the party wall only	7′ for all building types except 0' for twin house building type at the party wall only	7′ for all building types except 0' for twin house building type at the party wall only	5′ all building types except row houses and twin houses where 0′ shall apply to vertical party walls: 0′ all side yards mixed use building type	0′	5′
Minimum Aggregate Side, Principal Building(s)	20′	14′	14′	14′	10′ all building types except 0′ for mixed use building type	0′	10′
Minimum Rear, Principal Building(s)	25′	15′	15′	15′	15′	15′	25′
Minimum Rear, Accessory Building(s)	3′	3′	3′	3′	0′	0′	15′
Minimum Side, Accessory Building(s)	3′	3′	3′	3′	0′	0′	5′
Minimum Side Fronting A Street, Accessory Building(s)	30′	25′	25′	25′	25′	25′	25′

fs *front setback* ■ *not applicable* median *the median of all existing residential building types on a block*

LOT COVERAGE	3a	3b	3c	4a	4b	5a	5b
Maximum Building Coverage All Building Types except those listed below	30% of first7,500 sq. ft. of lot area + 3% of additional lot area greater than 7,500 sq. ft.	55% of first 4,000 sq. ft. of lot area + 5% of additional lot area greater than 4,000 sq. ft.	40% of first 7,500 sq. ft. of lot area + 8% of additional lot area greater than 7,500 sq. ft.	50% of first 6,000 sq. ft. of lot area + 7% of additional lot area greater than 6,000 sq. ft.	80% of lot area	80% of lot area	80% of lot area
Maximum Building Coverage Apartment Building Type	■	■	40% of first 7,500 sq. ft. of lot area + 8% of additional lot area greater than 7,500 sq. ft.	45% of lot area	80% of lot area	80% of lot area	80% of lot area
Maximum Building Coverage Civic Institutional Building Type	■	45% of lot area	45% of lot area	45% of lot area	80% of lot area	80% of lot area	80% of lot area
Maximum Impervious Coverage	50% of lot area	60% of lot area	60% of lot area	60% of lot area	90% of lot area	90% of lot area	90% of lot area
BUILDING PLACEMENT							
Minimum Frontage Buildout	40% of lot width at the frontage buildout line or 42′, whichever is less	40% of lot width at the frontage buildout line or 42′, whichever is less	40% of lot width	40% of lot width	40% of lot width	90% of lot width on Haverford Ave., 75% all other frontages	75% of lot width on Montgomery Ave. frontage only
Maximum Frontage Buildout All Other Building Types	60% of lot width at the frontage buildout line or 42′, whichever is less	65% of lot width at the frontage buildout line or 42′, whichever is less	65% of lot width	60% of lot width	100% of lot width	100% of lot width	100% of lot width on Montgomery Ave. frontage, 50% on all other frontages
Maximum Frontage Buildout Twin Building Type	■	72% of lot width	72% of lot width	72% of lot width	75% of lot width	■	■
LOT LAYER, DEPTH							
First Layer	fs	fs	fs	fs	fs	fs	fs
Second Layer	30'	30'	30'	30'	20'	20'	20'
Third Layer	to rear lot line	to rear lot line	to rear lot line	to rear lot line	to rear lot line	to rear lot line	to rear lot line

fs *front setback*

■ *not applicable*

median *the median of all existing residential building types on a block*

frontage line. On corner lots the rear yard shall be located opposite the front yard.

3. Front façades shall be built on the primary frontage line. In cases where the street is curved, the primary frontage line shall be located on a line parallel to a line tangent to the street centerline, or a private or public open space as the case may be, at a distance no less than the minimum front setback of the zoning district.
4. For properties located in multiple zoning districts, the requirements of Articles 4, 5, and 6 of each zoning district shall apply to each respective portion of the lot in that district.
5. Buildings may be constructed such that the footprint of the building is in more than one zoning district by special exception pursuant to the standards of §124-302.C *Special exception criteria specific to building located in more than one zoning district* and §124-902 *Special Exception Standards and Criteria.*
6. Impervious coverage credit for pervious paving designed as a stormwater treatment facility – When pervious paving materials are designed as a stormwater treatment facility that satisfy the standards for groundwater recharge or water quality of the Narberth Borough Stormwater Management Ordinance Sections 405 or 406, the area paved in pervious materials may be deducted from a site's overall impervious coverage, with the deduction not to exceed 10% of the lot area. For the purposes of calculating the volume of water to be treated by the stormwater facility and evaluating whether an impervious deduction is possible, the retention volume or water quality volume shall be calculated using the area of pervious paving for the contributing impervious area for which the credit is being sought. Stormwater facilities shall be evaluated by the Borough Engineer to determine whether the standards have been satisfied.
7. When condominiums are proposed, a site plan shall be prepared demonstrating compliance with the standards of this Chapter.

B. Specific to the 3a, 3b, 3c, 4a, and 4b zoning districts:

1. No more than one principal building shall be permitted per lot, except in cases where conditional uses are authorized in these districts.

C. Specific to the 5a and 5b zoning districts:

1. More than one principal building may be located on a lot.

D. Specific to lots in the 5b zoning district with frontages on two streets:

1. The primary frontage line of all proposed buildings shall be located on Montgomery Avenue.

E. Nonconforming structures with regard to site plan standards of this Section.

1. When no alterations or additions are proposed, a lawfully existing principal building may be continued to be used although it does not conform to the provisions of Article 4 of this Chapter.
2. Nonconformance with regard to setback requirements – Additions to structures where a portion of the structure is located in setback areas shall create no additional building coverage in setback areas except in cases where the addition or alteration is authorized as an encroachment in this Chapter.
3. Nonconformance with regard to building coverage or impervious coverage – Existing buildings that

exceed building and impervious cover limits on a lot for the district in which they are located may not construct additional building coverage or impervious coverage.

Article 5 Standards for Building Design

§124-501 Building Form

A. Building height.

1. General to all zoning districts – The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, tanks, and similar projections shall not be included in calculating the height.
2. Specific to the 3a, 3b, 3c, 4a, and 4b zoning districts – No part of a building height shall exceed 35 feet.
3. Specific to the 5a and 5b zoning districts – No building height shall exceed 45 feet except as permitted by §124-501.A.4 *Permitted vertical encroachment above the maximum building height in all zoning districts.*
4. Permitted vertical encroachments above the maximum building height in all zoning districts.
   a) Antennas or chimneys shall not exceed 8 feet above the height limit in the district.
   b) Steeples, towers, belfries, or other unoccupied architectural features shall not exceed an area of 20% of the roof area or a height greater than 20% of the height limit in the district.
   c) On flat roofs, parapet walls or projecting cornices shall not exceed 4 feet in height measured from the height of the flat roof.
   d) Stair towers or elevator towers shall not cover more than 20% of the roof area.
   e) Mechanical equipment shall not cover more than 20% of the roof area and shall be screened from street-level view.
   f) Solar panels or solar water heating shall be mounted parallel to the roof plane and less than 8 inches above the roof on pitched roofs. In the case of flat roofs, solar panels and solar water heating equipment shall not be mounted more than 6 feet above the roof provided that it is not visible from the street.

B. Height of the first floor.

1. Specific to the 3a, 3b, 3c, and 4a zoning districts:
   a) The minimum height above the pre-development mean grade at the primary frontage line shall be 2 feet and the maximum height shall be 6 feet.
2. Specific to the 4b zoning district:
   a) For mixed-use and commercial building types and nonresidential uses, the first floor height shall be the height of the sidewalk at the building's primary entrance.

b) For all other building types, the minimum height above the pre-development mean grade at the primary frontage line shall be 2 feet and the maximum height shall be 6 feet.

3. Specific to the 5a and 5b zoning districts:

a) First floor height shall be the height of the sidewalk at the building's primary entrance. For sloping sites all building entrances in façades shall be located at the height of the sidewalk.

C. Roofs on buildings – Any roof pitch or style is permitted on any principal or accessory building except the following:

1. Specific to roofs on detached house, twin house, and multifamily house building types located in the 3a, 3b, and 3c zoning districts in the second lot layer:

a) Primary roofs with a ridge or ridges located equal or less than 35 above the mean pre-development grade at the frontage line shall be pitched a minimum of 5:12 (rise:run).

b) Primary roofs with a ridge or ridges located more than 35 above the mean pre-development grade at the frontage line shall be pitched a minimum of 8:12 (rise:run).

c) The total area of secondary roof planes shall not exceed the area of primary roof planes on a principal building.

d) The pitch of gambrel roofs, for the purposes of this Section, shall be calculated from the eave of the main roof to its highest ridge, and no plane of the roof shall be pitched less than 5:12.

e) The roof pitch requirements of this Section (a-d) shall not apply to the building types indicated in cases where all primary roofs of existing residential buildings on lots adjoining both side lot lines are pitched less than 5:12, or in the case of corner lots both adjacent lots.

2. Additional roof design standards are included in the appropriate building type Section of this Chapter §124–502 *Building Type.*

D. Front façade – Specific to detached house, twin house, and multifamily house building types located in the 3a, 3b, and 3c zoning districts:

1. The cumulative area of the front façade viewed as an elevation and including all exterior walls within 6 feet of a plane extending the width of the frontage upwards to the maximum height of the building shall be within a range of 30% of the average of this area of all existing detached house, twin house, and multifamily house building types on the block.

2. Where three or fewer buildings that are either a detached house, twin house, and multifamily house building type exist on a block, the above standard shall not apply.

E. Specific to additions to detached house and multifamily house building types in the 3a, 3b, 3c, and 4a zoning districts:

1. Additions that alter the front façade shall conform to §124-503 *Frontages.*

2. Additions that alter a primary roof in the second lot layer shall conform to §124-501.C *Roofs on Principal Buildings.*

3. Additions shall conform to standards of Article 4 Standards for Site Plans.

4. Additions shall conform to the standards of the particular building type in §124-502 *Building Type.*

F. Specific to nonconforming buildings with regard to building design standards of Article 5 Standards for Building Design – When no alterations or additions are proposed, a lawfully existing principal building may be continued to be used although it does not conform to the provisions of Article 5 of this Chapter.

Table (5) Building Form Standards

	3a	3b	3c	4a	4b	5a	5b
Maximum Height of Principal Building(s) Feet	35′	35′	35′	35′	35′	45′	45′
Maximum Stories of Principal Building(s)	3	3	3	3	3	3	3
Maximum Height of Accessory Building(s) Feet	16′	16′	16′	16′	16′	16′	16′
Maximum Stories of Accessory Building(s)	1	1	1	1	1	1	1
Minimum Roof Pitch Primary Roofs with 30′ or Higher Ridge	8:12	8:12	8:12	8:12	■	■	■
Minimum Roof Pitch All Other Primary Roofs	5:12	5:12	5:12	5:12	■	■	■

■ *Not applicable*

Not applicable to civic/institutional or apartment building types

§124-502 Building Type

A. General to all zoning districts:

1. The illustrations of building types depicted in this Section are meant for illustrative purposes only. Buildings in the district may vary substantially from those depicted with regard to style, placement of openings, dimensions, or roof pitch.

2. Proposed building types are permitted in zoning districts according to the Table (6) *New Building Types Permitted by District*.

3. Design standards for each building type apply as stated for each type in this Section. Where the standards in this Section conflict with those elsewhere in this Chapter, the standards herein shall apply.

4. Sun shades may encroach setback areas no more than 36 inches and may not extend across lot lines.

Table (6) New Building Types Permitted by District

	3a	3b	3c	4a	4b	5a	5b
Detached House	yes	yes	yes	yes	yes	■	■
Twin House	■	yes	yes	yes	yes	■	■
Row House	■	■	■	■	yes	■	■
Multifamily House	■	yes	yes	yes	yes	■	■
Apartment Building	■	■	yes	yes	yes	■	■
Commercial Building	■	■	■	■	yes	yes	yes
Mixed-Use Building	■	■	■	■	yes	yes	yes
Civic/Institutional Building	■	yes	yes	yes	yes	yes	yes

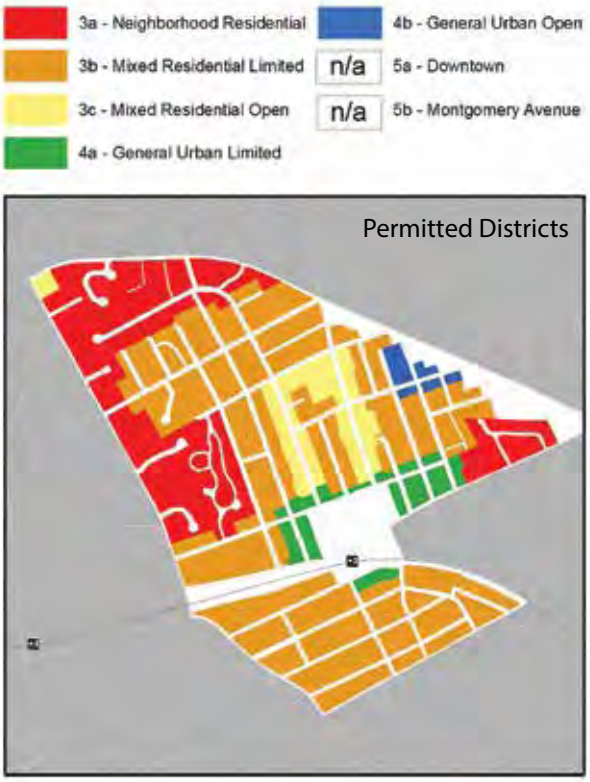
■ *New buildings of this type not permitted.*

Building Type : Detached House

Section 124-502 B

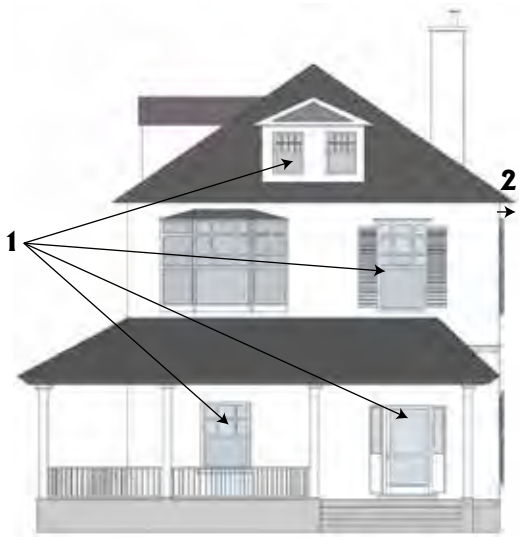
B. Specific to the detached house building type – A detached house is a separate structure housing one family and may be converted to accommodate additional families when standards of the zoning code are satisfied. New detatched houses are permitted in all districts except in the 5a Downtown and the 5b Montgomery Avenue districts.

photographs are for illustrative purposes only

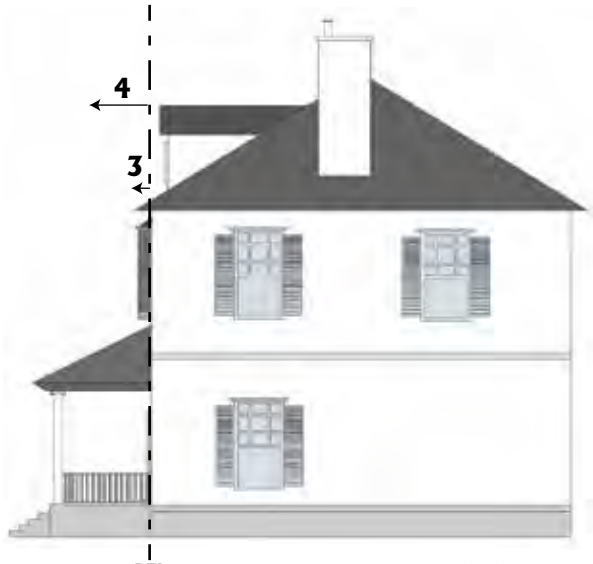


Building Type : Detached House

Section 124-502 B



front elevation



side elevation

Key
PFL - primary frontage line
drawings are for illustrative purposes only

perspective view

B. Specific to the detached house building type:

1. The ratio of openings to wall area in the front façade shall be a minimum of 20% and a maximum of 50%.
2. Eaves, including gutters, may encroach a building setback no more than 24 inches.
3. Bay or bow windows, whose perimeter does not rest on a foundation wall, may encroach a building setback no more than 24 inches.
4. Second-story dormers or living spaces may encroach the front yard setback no more than 6 feet.
5. The primary entrance to the building shall be located in the front façade, or no more than 12 feet from the front façade.
6. A path for walking shall connect the primary entrance of the building to the sidewalk.
7. Openings to basements shall be located in the side or rear yard areas.
8. Permitted frontages: porch, porch: engaged, porch: wraparound, portico.

Building Type : Twin House

Section 124-502 C

C. Specific to the twin house building type – A twin house is a housing type with two dwellings sharing a common vertical party wall with one family living in each dwelling. They are permitted in all districts except for the 3a Neighborhood Residential, 5a Downtown, and 5b Montgomery Avenue districts.

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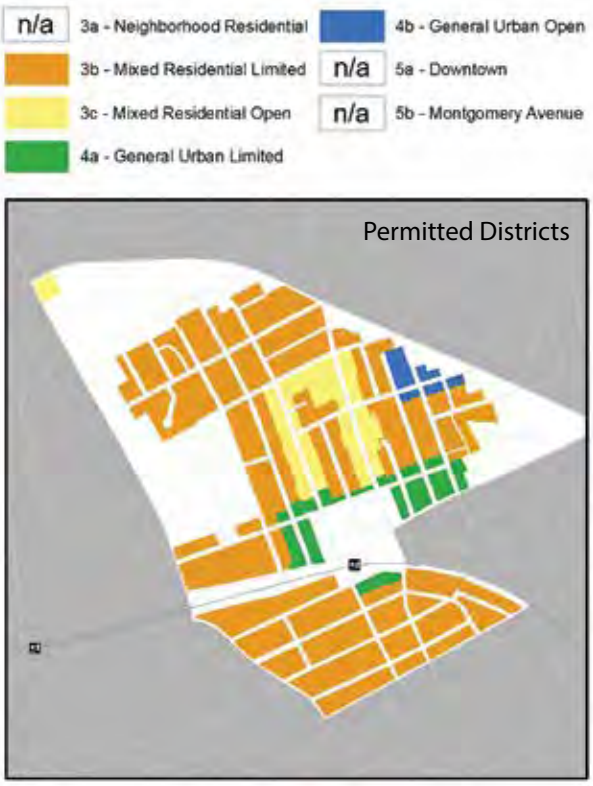
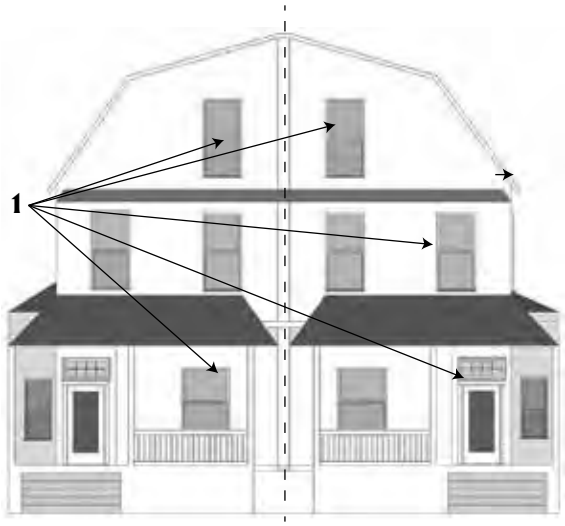


Building Type : Twin House

Section 124-502 C



LL front elevation

PFL side elevation

Key
PFL - primary frontage line
LL - lot line/party wall
drawings are for illustrative purposes only

perspective view

C. Specific to the twin house building type:

1. The ratio of openings to wall area in the front façade shall be a minimum of 20% and a maximum of 50%.
2. Eaves, including gutters, may encroach a building setback no more than 24 inches.
3. Bay or bow windows, whose perimeter does not rest on a foundation wall, may encroach a building setback no more than 24 inches.
4. Second-story dormers may encroach the front yard setback no more than 6 feet.
5. The primary entrances to the dwellings shall be located in the front façade or no more than 12 feet from the front façade.
6. A path or paths for walking shall connect the primary entrances of both dwellings to the sidewalk.
7. Openings to basements shall be located in the side or rear yard areas.
8. Permitted frontages: porch, porch: engaged, porch: wrap-around, portico.
9. No building or portion of a building on one side of the party wall shall extend beyond the building on the other side of the party wall, excluding the design and slope of the roof, except when both dwellings are extended along the party wall at the same time.
10. No lawfully existing porch, deck, patio, or other roofed area along the party wall shall be enclosed in any way that extends the existing party wall.
11. A patio or deck may be covered with a roof or awning, provided that such does not affect or extend the existing party wall.
12. A twin house may be expanded in the third lot layer only, without having a wall in common when the proposed expansion does not increase the party wall and complies with all dimensional and lot coverage requirements of this Chapter.

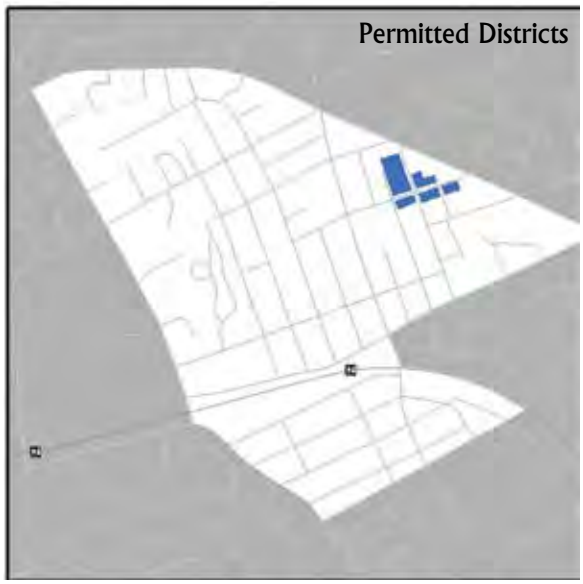
Building Type : Row House

Section 124-502 D

D. Specific to the row house building type – A row house is a single-family dwelling that shares one or two vertical party walls with another row house in groups of no less than three units. They are permitted only in the 4b General Urban Open district.

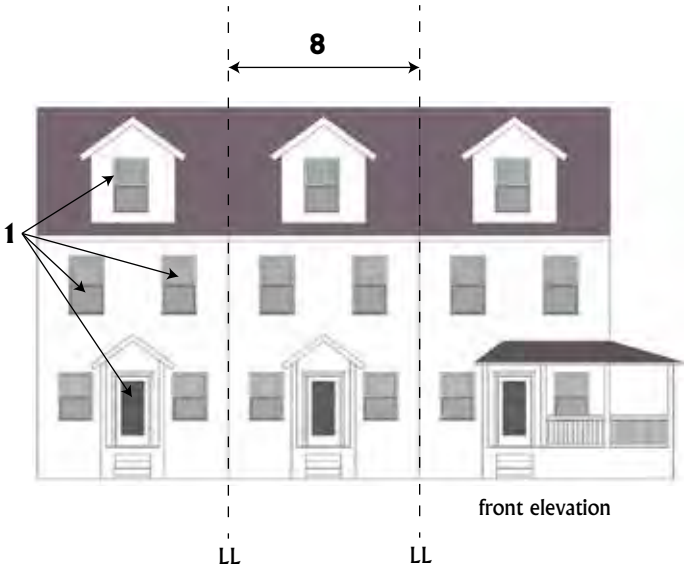
photographs are for illustrative purposes only

n/a	3a - Neighborhood Residential		4b - General Urban Open
n/a	3b - Mixed Residential Limited	n/a	5a - Downtown
n/a	3c - Mixed Residential Open	n/a	5b - Montgomery Avenue
n/a	4a - General Urban Limited		

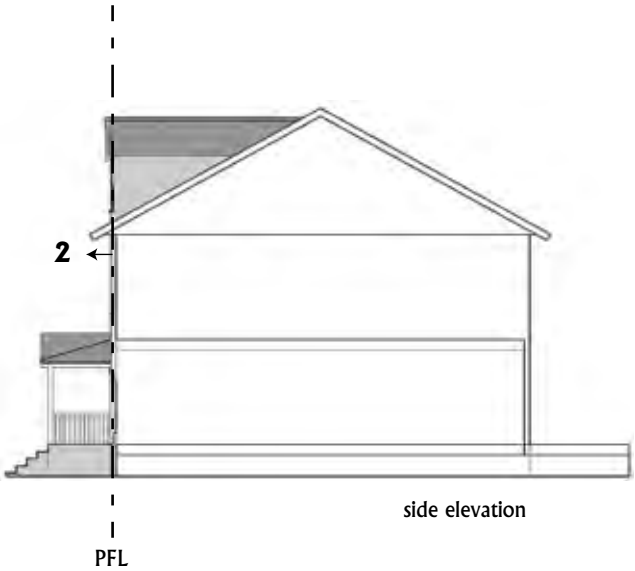


Building Type : Row House

Section 124-502 D



front elevation



side elevation

Key
PFL - primary frontage line
LL - lot line/party wall
drawings are for illustrative purposes only

perspective view

D. Specific to the row house building type:

1. The ratio of openings to wall area in the front façade shall be a minimum of 20% and a maximum of 50%.
2. Eaves, including gutters, may encroach a building setback no more than 24 inches.
3. Bay or bow windows, whose perimeter does not rest on a foundation wall, may encroach a building setback no more than 24 inches.
4. The primary entrances to the dwellings shall be located in the front façade, or no more than 12 feet from the front facade.
5. A path or paths for walking shall connect the primary entrances of all dwellings to the sidewalk.
6. Entrances to basements shall be located in the side or rear yard areas.
7. The width of each rowhouse shall be a minimum of 14 feet and a maximum of 28 feet.
8. Passageways for walking between the front façade and the rear yard areas shall be permitted.
9. When flat roofs are proposed, a parapet wall or projecting cornice shall be included at the front façade which shall have a change in height or depth at every separation between dwellings so as to interrupt the horizontal line formed by multiple dwellings.
10. Permitted frontages: porch, porch: engaged, porch: wrap-around, portico, stoop.

Building Type : Multifamily House

Section 124-502 E

E. Specific to the multifamily house building type – A multifamily house is a detached house type with two to five dwellings within the structure. They are permitted in all districts except for the 3a Neighborhood Residential, 5a Downtown, and 5b Montgomery Avenue districts.

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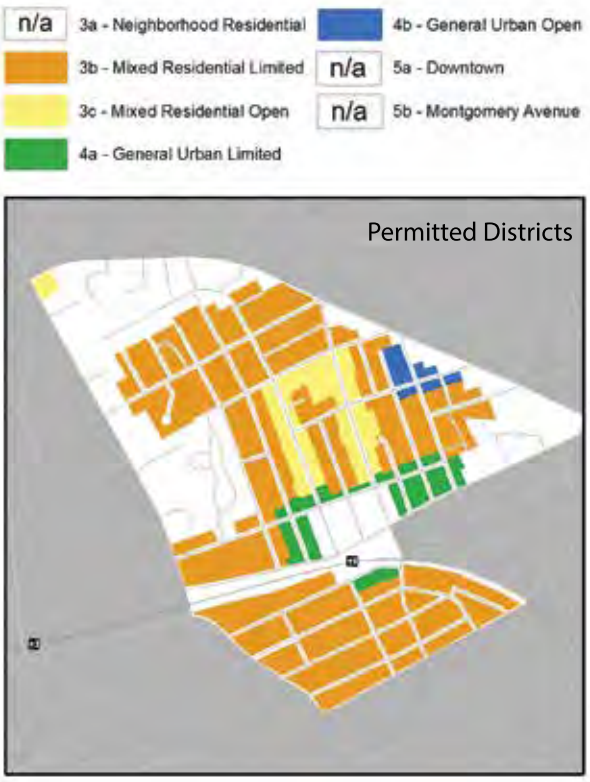
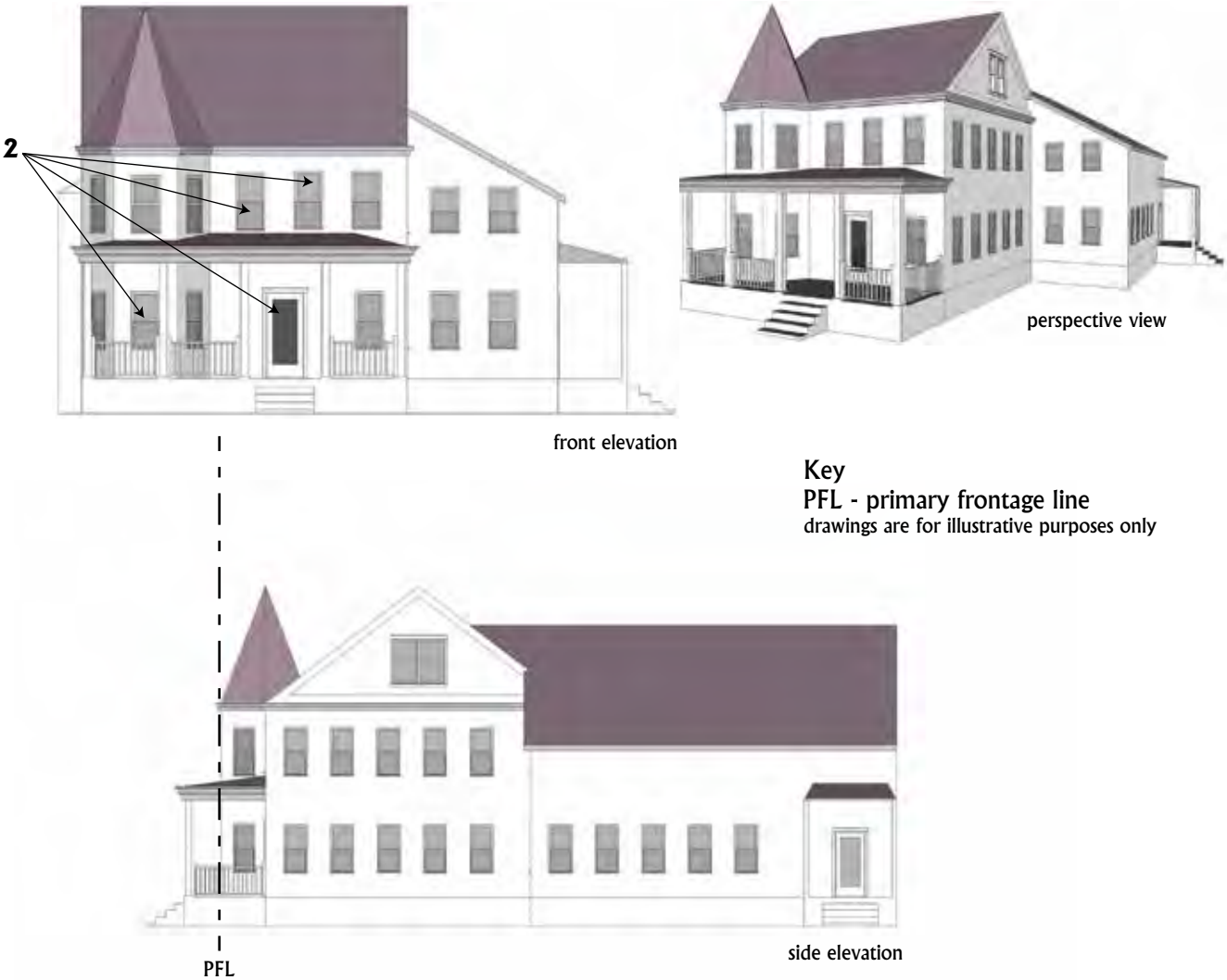


Building Type : Multifamily House

Section 124-502 E



E. Specific to the multifamily house building type:

1. No more than five dwellings per building shall be permitted.
2. The ratio of openings to wall area in the front façade shall be a minimum of 20% and a maximum of 50%.
3. Eaves, including gutters, may encroach a building setback no more than 24 inches.
4. Bay or bow windows, whose perimeter does not rest on a foundation wall, may encroach a building setback no more than 24 inches.
5. Only one entrance to the building shall be located in the front façade or within 12 feet of the front facade and may be shared amongst all or some of the dwellings in the structure. Any other entrance to the building shall be located on the side or rear of the building.
6. A path for walking shall connect the entrance in the front facade of the building to the sidewalk.
7. Openings to basements shall be located in the side or rear yard areas.
8. Permitted frontages: porch, porch: engaged, porch: wrap-around, portico.

Building Type : Apartment Building

Section 124-502 F

F. Specific to the apartment building type – An apartment building is a housing type with more than two dwellings in the structure. Unlike multifamily houses, they may have flat roofs and permit any number of dwellings provided all other standards are satisfied. They are permitted in the 3c Mixed Residential Open, 4a General Urban Limited, and 4b General Urban Open districts.

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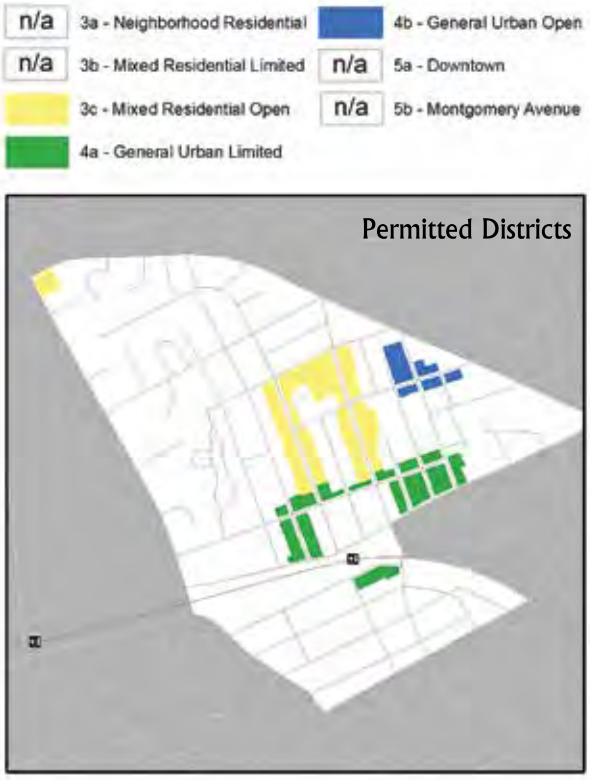
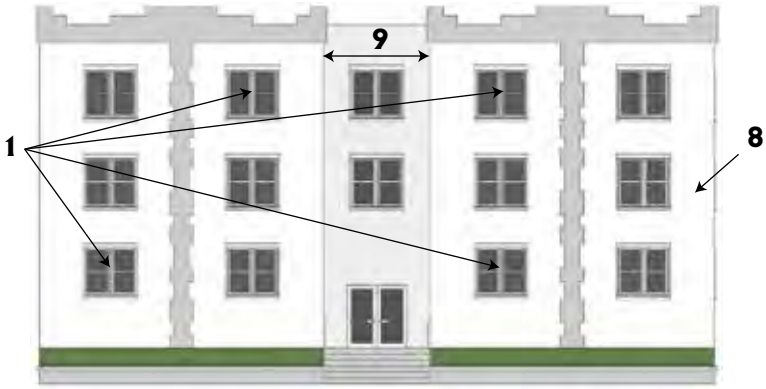


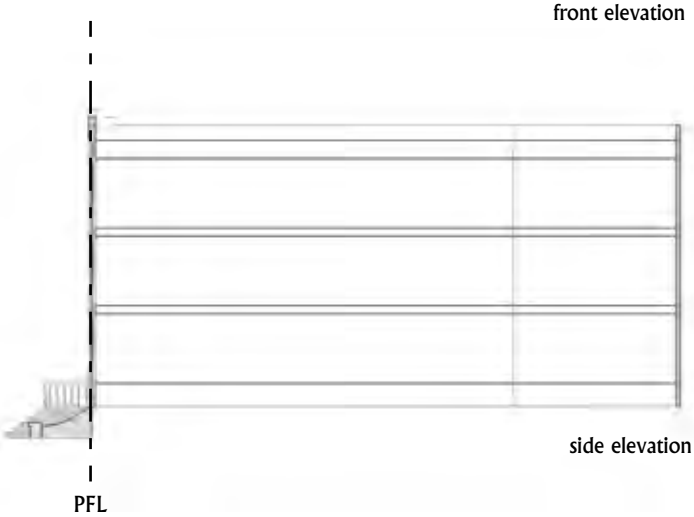
Building Type : Apartment Building

Section 124-502 F



front elevation

perspective view



side elevation

Key
PFL - primary frontage line
drawings are for illustrative purposes only

F. Specific to the apartment building type:

1. The ratio of openings to wall area in the front façade and any façade parallel to the front façade shall be a minimum of 20% and a maximum of 50%.
2. Eaves, including gutters, may encroach a building setback no more than 24 inches.
3. Bay or bow windows, whose perimeter does not rest on a foundation wall, may encroach a building setback no more than 24 inches.
4. Balconies may encroach the front or rear building setbacks no more than 6 feet.
5. A path for walking shall connect the entrances to the building to the sidewalk.
6. Openings to basements shall be located in the side or rear yard areas.
7. When flat roofs are proposed, a parapet wall or projecting cornice shall be included at the front façade.
8. The front façade may be composed of one or more planes, none of which may be greater than 1,500 square feet.
9. Any façade shall not occupy more than 42 linear feet of any frontage line without an interruption in the façade that shall be no less than 8 feet deep measured from the frontage line and no less than 16 feet wide before the front façade may rejoin the frontage line.
10. The vertical mass of the front façade shall be interrupted at changes in floor levels with a projecting element, building material, or continuous ornament that adds dimension to the otherwise flat plane of the front façade such as, but not limited to, a string course of brick, exposed timber frame, or cast stone. Substitution of other types of features that satisfy the intent of this standard shall be permitted by Borough Council or the Zoning Officer where appropriate.
11. Permitted frontages: porch, porch: engaged, porch: wrap-around, portico, courtyard.

Building Type : Commercial Building

Section 124-502 G

G. Specific to the commercial building type – A commercial building is a one-story building with nonresidential uses. They are permitted only in the 4b General Urban Open, 5a Dowtown, and 5b Montgomery Avenue districts.

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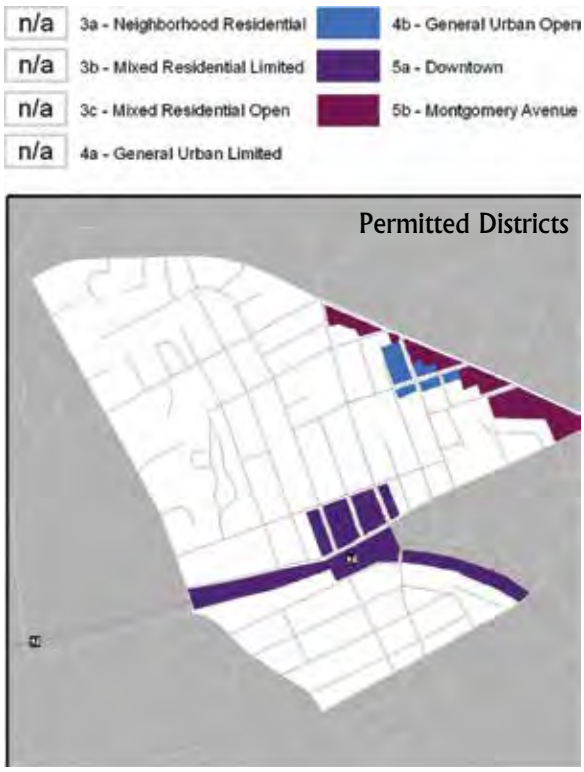
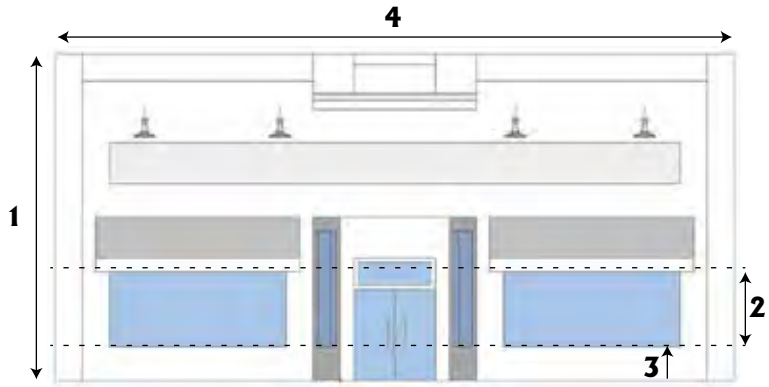
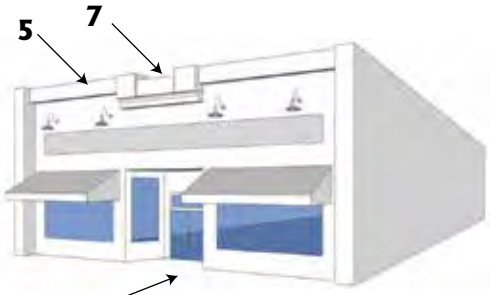


Building Type : Commercial Building

Section 124-502 G

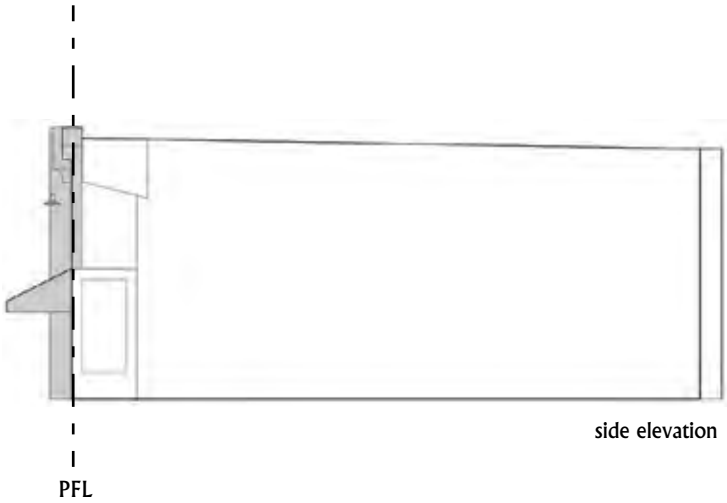


front elevation



perspective view

Key
PFL - primary frontage line
drawings are for illustrative purposes only



side elevation

G. Specific to the commercial building type:

1. The maximum height of a building shall be 20 feet and one story.
2. The ratio of openings to wall area in the front façade and any façade parallel to the front façade between the heights of 30 inches and 8 feet above the floor finish height shall be a minimum of 50% and a maximum of 75%.
3. The maximum horizontal distance of an opaque surface between glazing between the heights of 30 inches and 8 feet above the floor finish height shall be 2 feet.
4. The minimum width of the front façade at the frontage line shall be 25 feet, and the maximum width shall be 50 feet.
5. When flat roofs are proposed, a parapet wall or projecting cornice shall be included at the front façade.
6. The horizontal mass of any facade shall be interrupted when the distance is more than 30 feet at the frontage line with a projecting or recessed element that adds dimension to the otherwise flat plane of the front façade such as, but not limited to, a courtyard frontage, building entrance, pilaster, brickwork, or cast stone. Substitution of other types of features that satisfy the intent of this standard shall be permitted by Borough Council or the Zoning Officer where appropriate.
7. Horizontal line of the roof eave at any façade shall be interrupted when the distance is more than 30 feet at the frontage line with a vertically projecting or recessed element that adds dimension to the otherwise straight line.
8. Permitted frontages: shopfront, courtyard, terrace except courtyard and terrace not permitted on Haverford Avenue frontages.

Building Type : Mixed-Use Building

Section 124-502 H

H. Specific to the mixed-use building type – A mixed-use building is a multiple-story building that allows for a vertical mixing of uses. They are permitted in the 4b General Urban Open, 5a Downtown, and 5b Montgomery Avenue districts.

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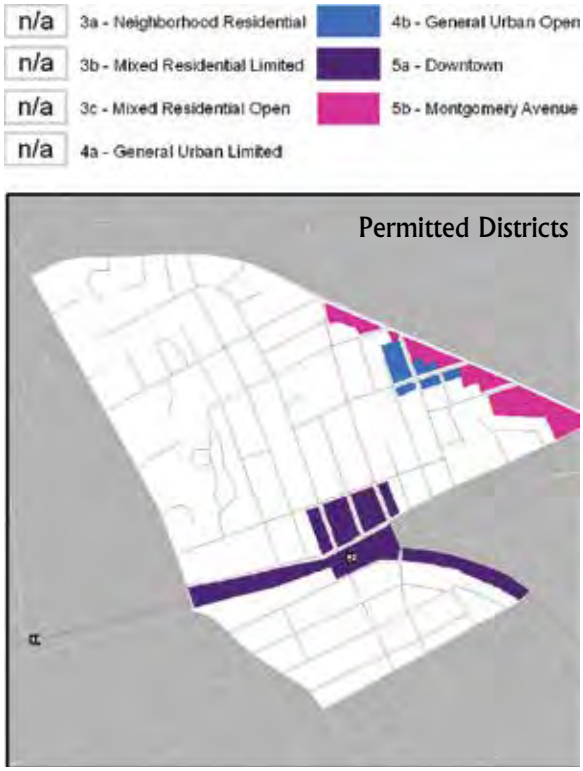
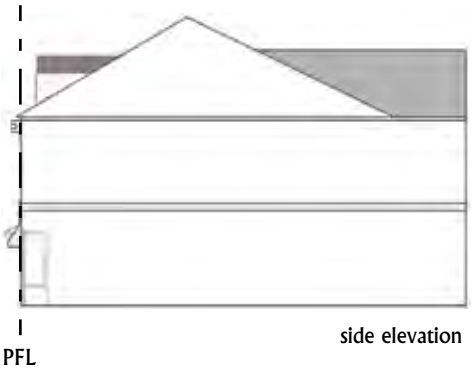


Building Type : Mixed-Use Building

Section 124-502 H

perspective view



side elevation

Key
PFL - primary frontage line
drawings are for illustrative purposes only

H. Specific to the mixed-use building type:

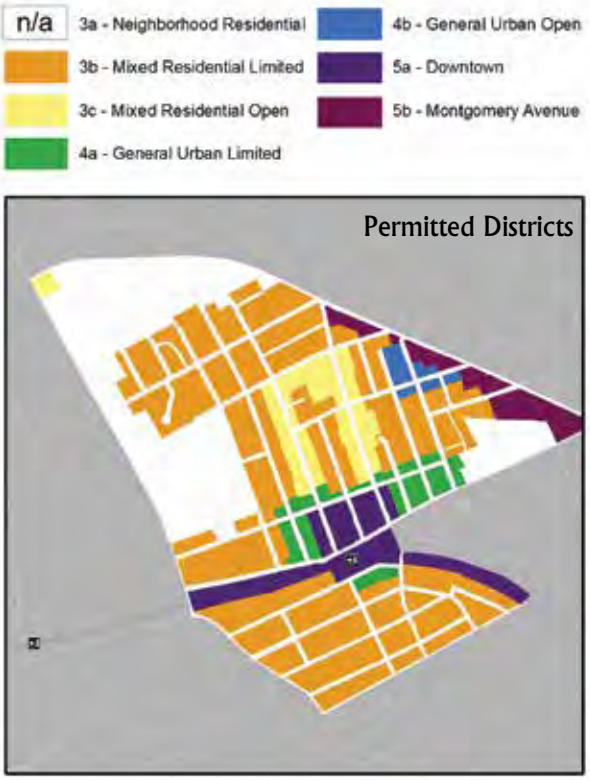
1. Specific to the 5a zoning district – Residential, office, and professional use types shall be permitted only on the second and third floors. Only retail and light industry use types shal be permitted on the first floor.
2. Specific to the 4b and 5b zoning districts – Residential uses shall be permitted only on the second and third floors.
3. The ratio of openings to wall area in the front façade and any façade parallel to the front façade between the heights of 30 inches and 8 feet above the floor finish height shall be a minimum of 50% and a maximum of 75%.
4. The maximum distance between the ground and the bottom of the first floor window shall be 30 inches.
5. The minimum width of the front façade at the frontage line shall be 25 feet, and the maximum width shall be 50 feet.
6. When flat roofs are proposed, a parapet wall or projecting cornice shall be included at the front façade.
7. The horizontal mass of any facade shall be interrupted when the distance is more than 30 feet with a projecting or recessed element that adds dimension to the otherwise flat plane of the front façade such as, but not limited to, a courtyard frontage, building entrance, pilaster, brickwork, or cast stone. Substitution of other types of features that satisfy the intent of this standard shall be permitted by Borough Council or the Zoning Officer where appropriate.
8. The horizontal line of the roof eave at any façade shall be interrupted when the distance is more than 30 feet with a vertically projecting or recessed element that adds dimension to the otherwise straight line.
9. The vertical mass of any façade shall be interrupted with a projecting or recessed element that adds dimension to the otherwise flat plane of the front façade at the level between the first and second floors.
10. Balconies, when located in the primary façade on second and third floors of the building, may encroach the front building setback no more than 4 feet.
11. No more than 50% of roof areas may be used for outdoor seating or recreation, and only with residential uses provided all standards of this Chapter and the Building Code are satisfied.
12. Permitted frontages: shopfront, courtyard, and terrace; except courtyard and terrace shall not be permitted on Haverford Avenue frontages.

Building Type : Civic/Institutional Building

Section 124-502 I

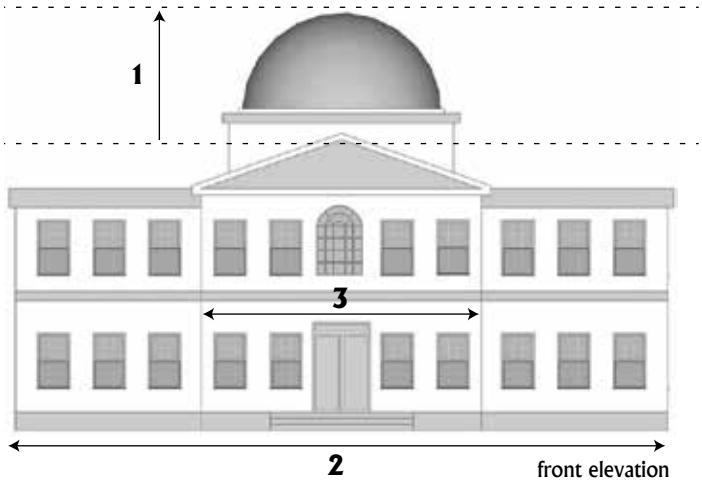
I. Specific to the civic/institutional building type – Civic/institutional buildings are designed as gathering spaces and administrative offices. They require larger sites and additional design features. They are permitted in all districts except 3a Neighborhood Residential.

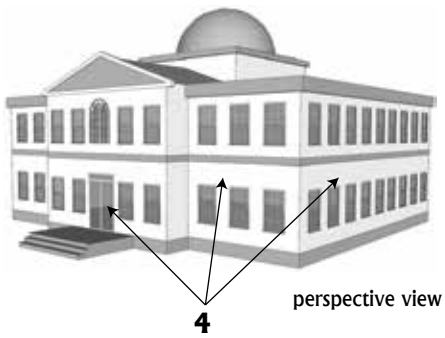
photographs are for illustrative purposes only



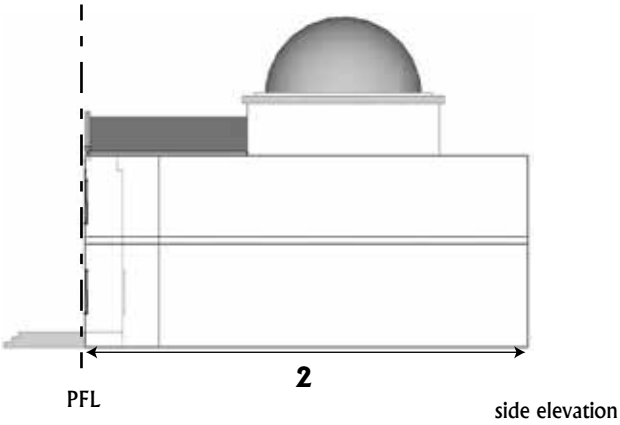
Building Type : Civic/Institutional Building

Section 124-502 I





Key
PFL - primary frontage line
drawings are for illustrative purposes only



I. Specific to new civic/institutional building types only:

1. The vertical encroachment authorized under §124-501.A.4 *Permitted vertical encroachments above the maximum building height in all zoning districts* may be exceeded by uninhabited portions of buildings such as, but not limited to: spires; belfries; domes; minarets; or towers provided that such encroachments are no greater in diameter or width than 20 feet in any direction, and are no higher than 65 feet measured from the peak of the encroachment to the pre-development mean grade at the point of encroachment.
2. The maximum building width and depth shall be 100 feet.
3. The maximum width of any façade without a horizontal setback of at least 8 feet in depth shall be 42 feet.
4. The ratio of openings to wall area in any shall be a minimum of 20% and a maximum of 50%.
5. The minimum side and rear yard setback shall be 25 feet.
6. Permitted frontages: portico, stoop, porch, porch: engaged, porch: wraparound.

§124-503 Frontages

A. General to all zoning districts:

1. The front façade of all principal buildings shall include a frontage type in this Section as authorized for the building type in §124-502 *Building Type.*
2. All frontages shall remain open and transparent.
3. Stairs may encroach up to the entire front yard setback provided they are necessary due to changes in grade between sidewalks and first-floor levels, but may not encroach upon the sidewalk.
4. Modifications to frontages for accessibility are permitted provided that they are the minimum necessary and are not located in the sidewalk.

B. Specific to the 3a, 3b, 3c, and 4a zoning districts:

1. The first lot layer may not be paved except for driveways and paths for walking that connect the entrance of the principal building to the sidewalk.

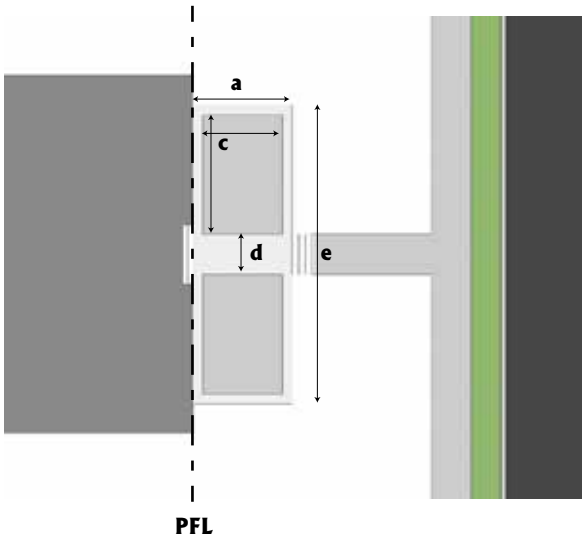
C. Specific to frontage types – The following frontage types are depicted with drawings and regulatory standards for each frontage type. Each frontage frontage type is permitted or not based on the building types proposed in §124-502 *Building Type.*

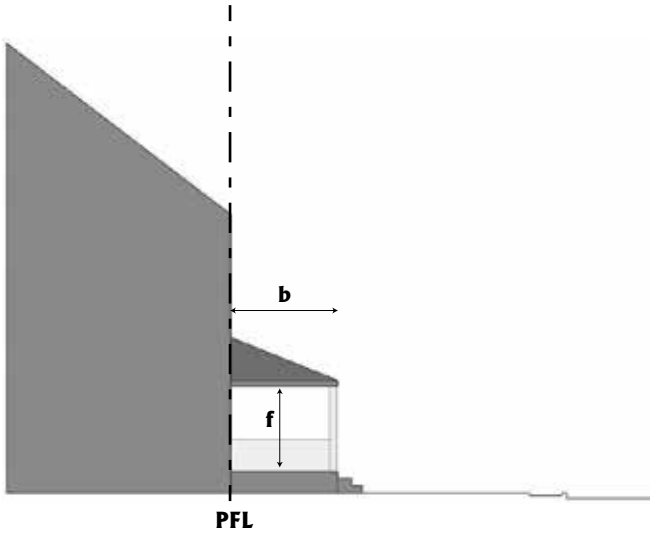
Frontage Types and Building Types

	Porch: Projecting	Porch: Engaged	Porch: Wrap-around	Porch: Portico	Stoop	Shopfront	Courtyard	Terrace
Detached House	yes	yes	yes	yes	■	■	■	■
Twin House	yes	yes	yes	yes	■	■	■	■
Row House	yes	yes	yes	yes	yes	■	■	■
Multifamily House	yes	yes	yes	yes	■	■	■	■
Apartment Building	yes	yes	yes	yes	■	■	yes	■
Commercial Building	■	■	■	■	■	yes	yes	yes
Mixed-Use Building	■	■	■	■	■	yes	yes	yes
Civic/Institutional Building	yes	yes	yes	yes	yes	■	■	■

Porch: Projecting

Section 124-503-D



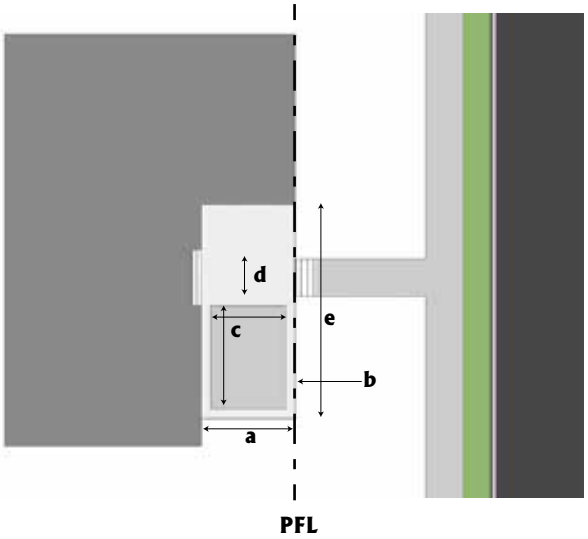


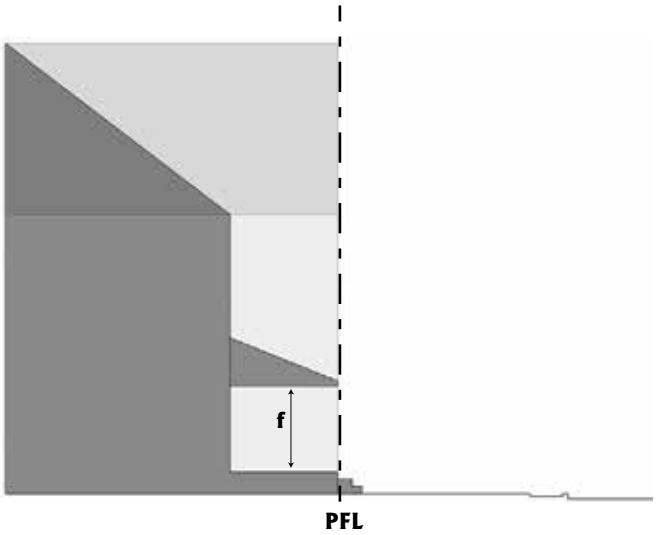
Key
PFL - primary frontage line
examples provided for illustrative purposes only

1. Porch: Projecting - Each of the following standards are illustrated above according to the letter preceding the standard.
   a) The depth of the porch shall be a minimum of 6 feet and a maximum of 10 feet.
   b) The maximum encroachment of the front yard setback shall be 10 feet.
   c) The minimum open area on the porch shall encompass a rectangle a minimum size of 4 feet by 6 feet.
   d) The minimum width of a path of travel indpendent of any open area described above shall be 3 feet wide.
   e) The minimum width of a projecting porch at the primary frontage line shall be 9 feet.
   f) The minimum clear height of the porch roof shall be 8 feet.
   g) Projecting porches shall be open on at least three sides and have a roof.

Porch: Engaged

Section 124-503-D



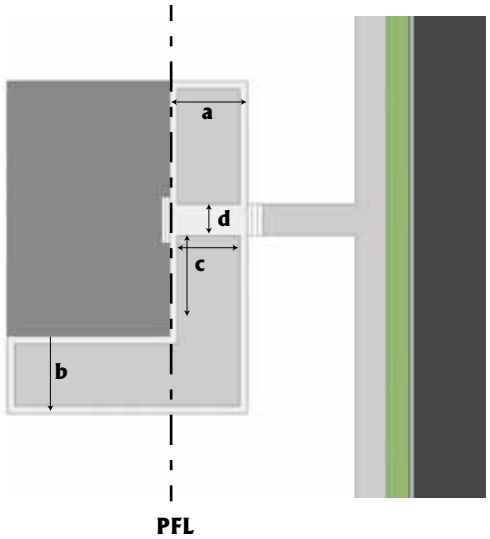


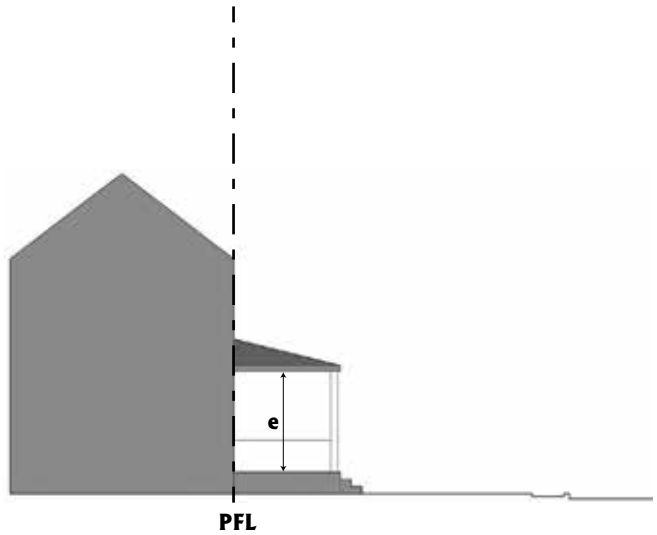
Key
PFL - primary frontage line
examples provided for illustrative purposes only

2. Porch: Engaged - Each of the following standards are illustrated above according to the letter preceding the standard.
   a) The depth of the porch shall be a minimum of 6 feet and a maximum of 10 feet.
   b) One or more edges of the engaged porch shall be located on the primary frontage line.
   c) The minimum open area on the porch shall encompass a rectangle a minimum size of 4 feet by 6 feet.
   d) The minimum width of a path of travel indpendent of any open area described above shall be 3 feet wide.
   e) The minimum width of an engaged porch at the primary frontage line shall be 9 feet.
   f) The minimum clear height of the porch roof shall be 8 feet.
   g) Engaged porches shall be open on at least two sides and have a roof.

Porch: Wrap-around

Section 124-503-D



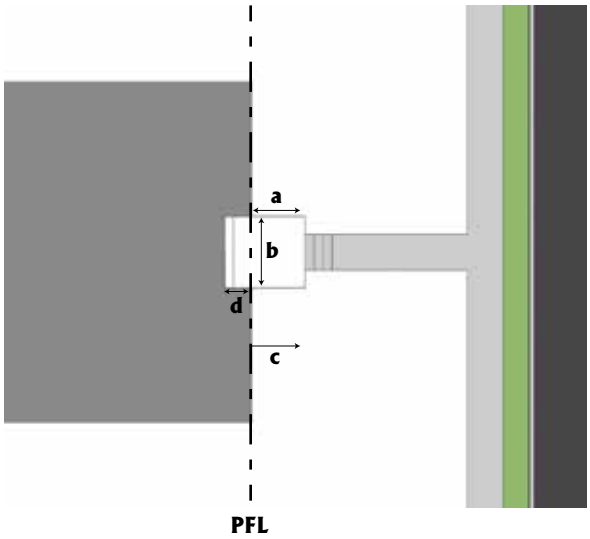


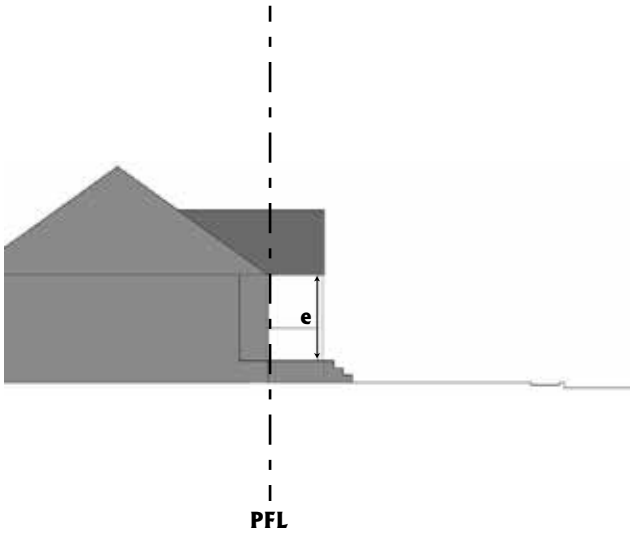
Key
PFL - primary frontage line
examples provided for illustrative purposes only

3. Porch: Wrap-around - Each of the following standards are illustrated above according to the letter preceding the standard.
   a) The depth of the porch shall be a minimum of 6 feet and a maximum of 10 feet.
   b) For corner lots, the maximum encroachment of 10 feet shall be permitted on both frontages provided that other homes on the block also face the street.
   c) The minimum open area on the porch shall encompass a rectangle a minimum size of 4 feet by 6 feet.
   d) The minimum width of a path of travel indpendent of any open area described above shall be 3 feet wide.
   e) The minimum clear height of the porch roof shall be 8 feet.
   f) Wrap-around porches shall be open on three sides and have a roof.

Portico

Section 124-503-D



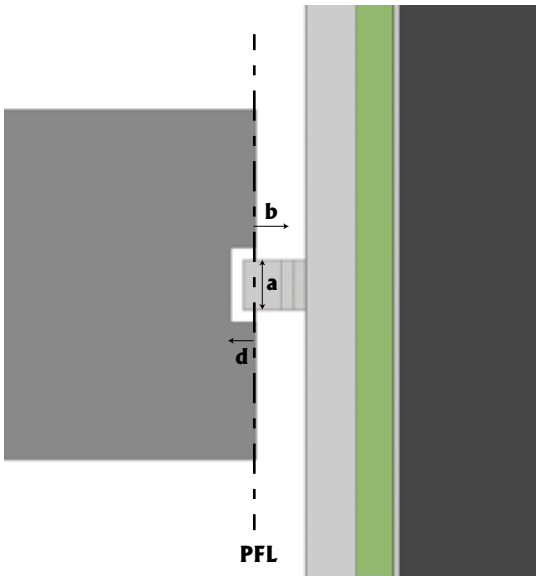


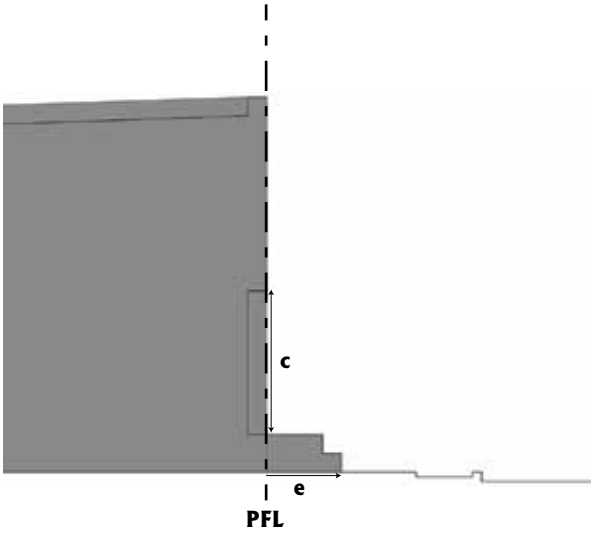
Key
PFL - primary frontage line
examples provided for illustrative purposes only

4. Portico - Each of the following standards are illustrated above according to the letter preceding the standard.
   a) The minimum projecting depth of a portico shall be 6 feet.
   b) The minimum width of a portico shall be 6 feet.
   c) The maximum encroachment of the front yard setback shall be 10 feet.
   d) The maxmimum depth of a recessed entry shall be 6 feet.
   e) The minimum clear height of a portico roof shall be 8 feet.
   f) Porticos shall be open on at least two sides and have a roof.

Stoop

Section 124-503-D



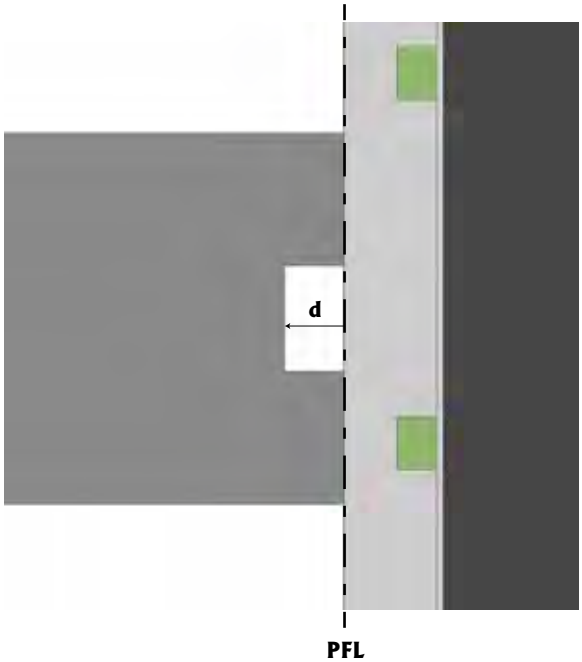


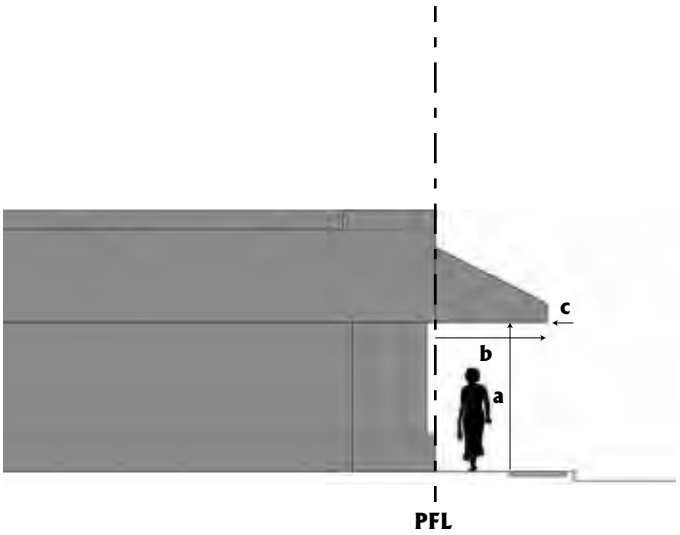
Key
PFL - primary frontage line
examples provided for illustrative purposes only

5. Stoop - Some of the following standards are illustrated above according to the letter preceding the standard.
   a) The minimum width of a stoop shall be 5 feet, and the maximum shall be 12 feet.
   b) The minimum depth clear of the front landing of the stoop from the front facade shall be 5 feet.
   c) The maximum height of the stoop shall be one story.
   d) The recessed depth of the stoop from the front facade shall be no greater than 6 feet.
   e) The maximum front yard encroachment shall be 10 feet provided that no portion of stairs or stoop shall decrease the width of the sidewalk to less than 6 feet.
   f) The entry may be covered or recessed to protect from weather.
   g) Stairs to the sidewalk may be perpendicular or parrallel to the building facade.

Shopfront

Section 124-503-D



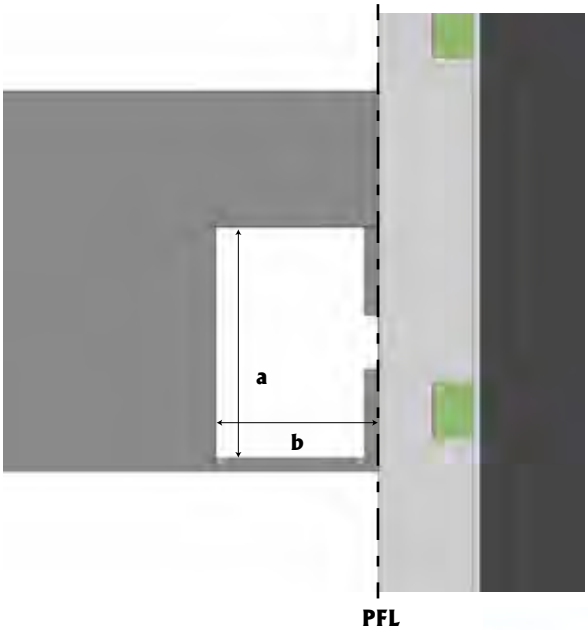


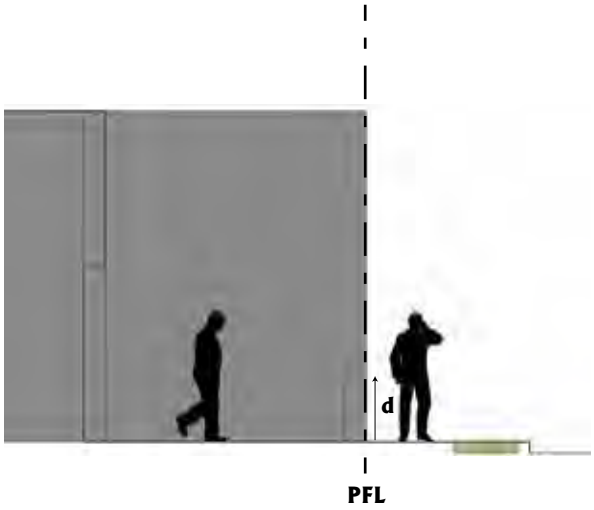
Key
PFL - primary frontage line
examples provided for illustrative purposes only

6. Shopfront - Each of the following standards are illustrated above according to the letter preceding the standard.
   a) A shopfront may include an encroaching structure such as an awning or marquee with minimum vertical clearance from the sidewalk of 8 feet.
   b) A shopfront may include an encroaching structure such as an awning or marquee with a maximum depth of encroachment of 8 feet.
   c) A shopfront may include an encroaching structure such as an awning or marquee with a minimum setback from the curb of 2 feet.
   d) A shopfront may include a recessed entry from the front façade with a maximum depth of 6 feet.

Courtyard

Section 124-503-D





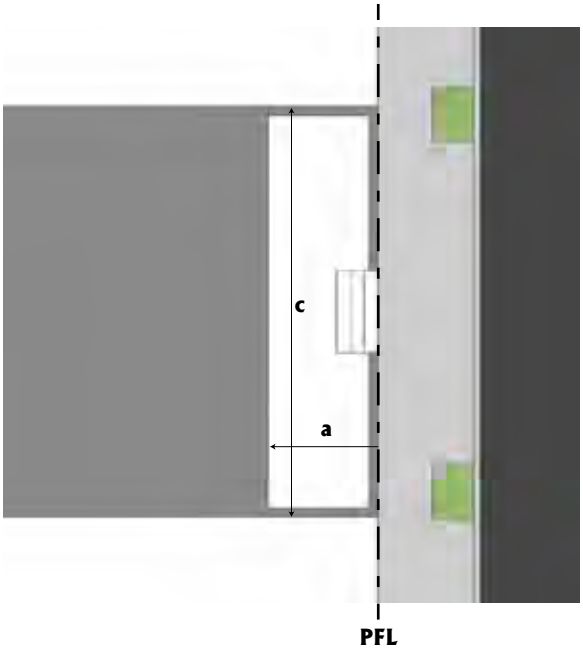
Key
PFL - primary frontage line
examples provided for illustrative purposes only

The width of a courtyard must be at least twice the height.

7. Courtyard - Some of the following standards are illustrated above according to the letter preceding the standard.
   a) The minimum width of a courtyard shall be 12 feet.
   b) The minimum depth of a courtyard shall be 12 feet.
   c) A courtyard shall be surrounded by building walls on at least two sides.
   d) A courtyard may include a wall, fence, or landscaping between the courtyard and sidewalk with a minimum height of 2 feet and a maximum height of 40 inches.
   e) The ratio of the height of the highest eave framing the courtyard to widest linear measure of courtyard shall be no greater than 2:1.
   f) When a courtyard is located on a frontage line, it may be credited for up to 50% of the minmum frontage buildout required in the zoning district.
   g) A courtyard frontage in the 5a Downtown district is not permitted to face Haverford Avenue.

Terrace

Section 124-503-D



Key
PFL - primary frontage line
examples provided for illustrative purposes only

8. Terrace - Some of the following standards are illustrated above according to the letter preceding the standard.
   a) The depth of a terrace as measured from the primary frontage line shall be a minimum of 8 feet and a maximum of 20 feet.
   b) The finish level above the sidewalk of the terrace shall be a maximum of 3 feet.
   c) The maximum horizontal length of a terrace shall be 30 feet.
   d) A terrace located on a frontage line shall count for up to 100% of the minimum frontage buildout required in the zoning district.
   e) A terrace may include an open fence or wall at the primary frontage line, not to exceed 3 feet in height.
   f) A terrace frontage in the 5a Downtown district is not permitted to face Haverford Avenue.

Article 6 Supplemental Regulations

§124-601 Parking

A. Amount of spaces required.

1. General to all zoning districts:

   a) The number of off-street parking spaces required on a lot shall be determined by the use type from Table (1) *By-Right Uses* of the principal use on the lot in accordance with the ratios of gross floor area, exclusive of basements if not used for sale, storage, office areas, or patrons; or other metric as indicated, dedicated to that use indicated in Table (7) *Off-Street Parking Standards*. Where parking ratios differ for a particular principal use from all other uses of that type, the particular standard is indicated in Table (7) *Off-Street Parking Standards*.

   b) On-street parking spaces may be credited to the off-street parking requirements of Table (7) *Off-Street Parking Standards* according to the ratios calculated in Table (12) *Parking Credits* located in the appendix of this Chapter, and the standards of this Section.

   c) Parking spaces may be shared among uses on the same or adjoining lots according to the standards of §124- 601.A.2 *Shared parking spaces.*

2. Shared parking.

   a) Parking spaces may be shared among uses on the same or adjacent lots, reducing the overall required off-street parking according to the standards of Table (8) *Shared Parking Ratios*. When uses on more than one lot share parking spaces, a cross-access easement shall be recorded and approved according to the standards of §124-601.C *Cross-access easements.*

   b) When nonresidential use types share parking spaces, no individual use type shall account for less than 20% of the overall off-street parking demand created by all nonresidential uses sharing parking spaces; otherwise shared parking space ratios shall not apply.

3. Parking credits specific to the 3b, 3c, 4a, 4b, and 5a zoning districts:

   a) One parking space credit shall reduce the off-street parking requirement of a use by one space.

   b) For the owner of a lot to claim credit towards off-street parking space requirements, the sum total of linear distance measured in feet along all frontages abutting streets shall be divided by the value in Table (12) *Parking Credits*, column (6) *Linear Feet Along Property Frontage for One Credit*, discarding any remainder and rounding down to the nearest whole number.

   c) The maximum number of credits used to reduce off-street parking space requirements allocated to any one lot shall be two.

   d) An applicant may appeal the calculated ratio and linear feet required on a block shown in Table (12) *Parking Credits* provided that suitable evidence is gathered by a survey that accurately depicts the total length of frontages at the curb or street line, and whether those areas allow on-street parking spaces or not, to the satisfaction of Borough Council or the Zoning Officer where appropriate.

   e) Parking credits shall not apply for lots and uses in the 3a Neighborhood Residential zoning district or on lots located in the 5b Montgomery Aveune district.

4. Specific to the 5a and 5b zoning districts – Maximum parking spaces permitted on a lot.

   a) The maximum parking permitted on a lot shall not exceed by 20% the amount of parking required in Table (7) *Off-Street Parking Standards* according to the zoning district and proposed

Table (7) OFF STREET PARKING STANDARDS

	3a	3b	3c	4a	4b	5a	5b
RESIDENTIAL	2.0/dwelling	1.0/dwelling					
GENERAL OFFICE, PROFESSIONAL OFFICE, AND PERSONAL SERVICE	N/A	1.0/500 sq. ft.					
Medical Office	N/A			1 space per consultation or exam room			
RETAIL AND LIGHT INDUSTRY	N/A			1.0/500 sq. ft.			
Restaurant or Small Restaurant	N/A			1.0/400 sq. ft.			
AUTOMOTIVE	N/A						1.0/service bay
CIVIC	N/A						
INSTITUTIONAL	N/A	1.0/1,000 sq. ft. of assembly space					
School	N/A	1.0 for each employee					
Child Care Facility	N/A	1.0/300 sq. ft. of interior floor area dedicated to child care					
BED AND BREAKFAST	N/A			1.0/guest room	NA	1.0/guest room	

PARKING CREDITS	N/A	See Table (12), Parking Credits	N/A
PARKING EXEMPTIONS	N/A	first 2,500 sq. ft. of nonresidential net leasable area	N/A
PARKING MAXIMUM	N/A	no off-street parking areas shall exceed these parking space requirements by more than 20%	

N/A Not applicable

Table (8) SHARED PARKING RATIOS

	RESIDENTIAL	OFFICE AND PROFESSIONAL SERVICE	RETAIL AND LIGHT INDUSTRY	INTSTITUTIONAL
RESIDENTIAL	1	1.25	1.25	1.25
OFFICE AND PROFESSIONAL SERVICE	1.25	1	1.25	1.25
RETAIL AND LIGHT INDUSTRY	1.25	1.25	1	1.25
INSTITUTIONAL	1.25	1.25	1.25	1

Shared parking calculation: The total number of spaces for two or more uses on one lot, or adjoining lots provided an easement is recorded, shall equal the sum of the parking required in Table (7) for each use, divided by the ratio found in Table (8). Where more than two uses exist on one or adjoining lots, the largest ratio in Table (7) shall be applied to all uses on the lot(s). Uses not referenced in Table (8) shall not be permitted to use shared parking reductions.

use; except in cases where parking spaces are shared between lots, one or more of the lots sharing parking spaces may exceed 20% of the required parking provided for that particular lot, provided that the total amount of parking spaces permitted by all lots sharing parking spaces shall not exceed 20% of the minimum required for all lots sharing parking.

5. Specific to the 5a Downtown zoning district – Exemptions:
   a) One dwelling unit on each lot is exempt from providing off-street parking spaces.
   b) The first 2,500 square feet of leasable area, not to include basements used solely for the storage of goods, within a building used for nonresidential purposes is exempt from providing off-street parking spaces required according to Table(7) *Off-Street Parking Standards*.
   c) Mixed-use buildings may use both of the exemptions specified in 5a) and 5b) of this Section.
6. Specific to off-street parking space requirements for dwelling units located in apartment building and mixed-use building types.
   a) A maximum of 25% of the total multifamily dwelling units proposed in a building may reduce the off-street parking space requirement to 0.5 spaces per unit provided that these qualifying units are equal to or less than 550 net square feet and are offered as studio or one-bedroom dwellings.

B. Parking design.
1. General to all zoning districts:
   a) Parking spaces may be located within a structure or not.
   b) On-street parking spaces shall be 8 feet wide by 22 feet long.
   c) No more than one driveway access is permitted per lot, except in cases where one-way traffic in parking areas necessitates two access points where the maximum width of any one driveway shall be 12 feet.
   d) One-way driveways shall be a maximum of 12 feet wide.
   e) Two-way driveways shall be a maximum of 22 feet wide.
2. Specific to the 3a, 3b, 3c, and 4a zoning districts:
   a) Parking spaces may only be located in the second or third lot layer.
   b) Two-way driveways are prohibited.
   c) One-way driveways shall be a maximum width of 12 feet the entire length of the first lot layer.
   d) In the case of driveways accessing a road that the front façade does not face, the first 20 feet of driveway length beginning at the lot line shall be a maximum width of 12 feet.
   e) Off-street parking spaces shall be designed only according to one of the following options. The options are listed in their order of preference.
      i. Located in the third lot layer with driveway access to a road or alley other than the road the front façade faces, provided in these cases the entire garage or parking area is set back no less than the front yard setback of neighboring properties.
      ii. Located in the third lot layer with driveway access from the principal road.
   f) Off-street parking spaces and driveways can be designed according to the following options by special exception:

i. Located in the second and/or third lot layer within a garage or carport with a door that faces the side lot line where the entire garage door is set back no less than 10 feet from the front façade and no less than 25 feet from the side property line.

ii. Located in the second and/or third lot layer within a garage or carport that faces the principle road where the entire garage door or carport is set back no less than 10 feet from the front façade.

iii. Located in the second lot layer as a surface parking space such that no portion of parked vehicles is set back

iv. The Zoning Hearing Board may require off-street parking spaces and driveways be designed according to §124-601.B.2. e.i or ii.

3. Specific to the 4b, 5a, and 5b zoning districts:
   a) Parking spaces may be located in the second or third lot layer.
   b) Off-street parking spaces and driveway facilities, except where driveways cross property lines, shall be set back no less than 12 feet from all frontage lines with the setback area landscaped according to the Narberth Borough Landscape Ordinance #854.
4. Specific to the 4b and 5a zoning districts:
   a) Off-street parking facilities, except where driveways cross property lines, shall be set back no less than 4 feet from all other property lines and landscaped according to the Narberth Borough Landscape Ordinance #854.
5. Specific to drive-through facilities:
   a) Drive-through facilities are permitted in the 5b Montgomery Avenue district only.
   b) Drive-through windows or other points of service shall be located to the rear or sides of principal buildings.
   c) An area equal to 200 linear feet, inclusive of the area for drive-through service, shall be included as a driveway, in one or more usable lanes, for the queing storage of vehicles. This area shall be located in the second and third lot layers, no less than 6 feet from the sidewalk.
6. Specific to structured parking:
   a) Structured parking spaces are permitted in the 5a and 5b zoning districts only.
   b) Structured parking spaces shall be screened from view along all frontages to the height of the first story by a building housing the principal use for the lot except for the area for vehicle ingress and egress.
   c) Structured parking spaces may also be designed across lots and shared provided all other standards of this Section are satisfied.
7. Specific to shared driveways:
   a) Shared driveways are permitted in any zoning district.
   b) The total width of shared driveways shall be no greater than prescribed for driveways in this Section.
   c) When a shared driveway is proposed, an easement, considered satisfactory by the Borough Solicitor, shall be recorded conveying rights in perpetuity to use and maintain the driveway for all properties sharing the driveway.
8. Specific to shared parking facilities:
   a) Shared parking space facilities may be designed as a contiguous parking lot across lot lines or two parking areas joined by a driveway.

b) When two or more lots share parking spaces, the parking facility setback requirements of this Chapter and Chapter 113 Subdivision and Land Development shall not apply to the portions of the lots where parking space facilities are shared, including areas for driveways and access.

c) All other areas of shared parking space facilities shall be set back according to the standards of this Section and landscaped according to the Narberth Borough Landscape Ordinance #854.

d) Lots that share parking spaces shall eliminate redundant access points to streets as a condition for granting shared parking credits such that no shared parking area has more than two access points to a street.

C. Cross access easements – Where parking space facilities are shared on adjacent lots, cross access easements shall be prepared to the satisfaction of the Borough Solicitor and recorded with the Montgomery County Recorder of Deeds granting present and future use of parking spaces on adjacent lots and access driveway(s) and access to public streets in perpetuity. The easement shall also stipulate conditions for shared maintenance of the facilities.

D. Nonconforming with regard to off-street parking requirements.

1. Specific to residential uses – Where no additional families are proposed than existed prior to issuance of a building permit, the applicant shall not be required to meet parking standards of this Chapter; provided that any off-street parking spaces existing on the lot prior to the issuance of the permit are preserved on the lot after work is completed.

2. Specific to nonresidential uses:

a) Where additional floor area is proposed as an addition or conversion as a nonresidential use, the total off-street parking requirement shall be the sum of all existing off-street parking spaces and the additional off-street parking spaces required by the additional floor area.

b) Where a change of use is proposed, the standards of §124-601.A *Parking: Amount of Spaces required* shall apply.

3. Specific to the design of off-street parking facilities – Where existing parking facilities do not comply with the design standards of §124-601.B *Parking Design,* those spaces may continue to be used provided that any changes or additions to parking areas lead to greater conformance with those standards to the satisfaction of Borough Council or the Zoning Officer where appropriate.

§124-602 Accessory Buildings

A. General to all zoning districts:

1. Accessory buildings shall be used for purposes incidental and subordinate to the uses present in principal building(s) on a lot.
2. An residence or dwelling shall not be permitted as an accessory use.
3. Accessory buildings shall comply with the dimensional criteria for the district in which they are located found in Table (4) *Site Planning* and Table (5) *Building Form Standards*.
4. The total area of all building footprints of all accessory buildings on a lot shall not exceed the area of the principal building(s) footprint on the lot.

B. Specific to the 3a, 3b, 3c, and 4a zoning districts:

1. Accessory buildings shall be located in the third lot layer, except in the case of garages located in the second lot layer as provided according to §124-601.B *Parking Design* of this Chapter.
2. Accessory buildings used as garages may be located in rear and side setback areas only when the structure extends across lot lines as a garage with neighboring properties, provided that the interior space of the structure is separated by walls located on lot lines.

§124-603 Lighting

A. General to all zoning districts:

1. For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, driveways, pedestrian areas, and locations for merchandise, luminaires shall be aimed straight down and shall meet the most current IESNA (Illuminating Engineering Society of North America) full-cutoff criteria. Luminaires shall not be mounted in excess of 14 feet above finished grade of the surface being illuminated.
2. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, façades, landscaping, fountains, and displays, luminaires shall be installed and aimed so as to not project light onto neighboring properties, past the object being illuminated, skyward, or onto a public roadway.
3. The illumination projected from any use onto a residential district shall at no time exceed 0.2 footcandles, measured line-of-sight at any time and from any point on the receiving residential property. For all other tract boundaries the maximum light density permitted shall be 0.5 footcandles.

§124-604 Trash and Recycling Areas

A. Specific to residential uses in the 3a, 3b, 3c, 4a, and 4b zoning districts:

1. Trash and recycling receptacles shall be stored in the third lot layer or within a principal or accessory building except within 24 hours of expected pick up.

B. Specific to the 5a and 5b zoning districts, or nonresidential uses in all other districts:

1. Trash and recycling receptacles shall be set back no less than 8 feet from any property line within an enclosure of at least three sides that effectively screens the view of the area from neighboring properties or within a principal or accessory building in an area dedicated solely for this purpose.
2. Enclosures shall be constructed of brick, wood, or metal fencing only. Alternately, the area around the trash and recycling receptacles can be surrounded by a four-foot-wide continuous planting of evergreen shrubs and/or grasses to form an opaque, year-round visual screen of sufficient height and bulk to effectively screen the view from neighboring properties.

§124-605 Signs

A. General to all zoning districts and signs:

1. Signs are permitted depending on the district they are located in according to Table (9) *Permitted Signs by District*.
2. Signs shall be dimensioned according to sign type as shown and described in Table (10) *Sign Types*.

3. The following signs are prohibited:
   a) Mechanical movement signs.
   b) Pennant strings and streamers.
   c) Animated signs, flashing signs, or signs that scroll or flash text or graphics.
   d) Inflatable signs.
   e) Any signs that imitate, resemble, interfere with, or obstruct traffic lights, signs, or signals.
   f) Signs that prevent free ingress or egress from any door, window, fire exit, or that prevent free access from one part of a roof to any other part.
   g) Signs that emit smoke, visible vapors, particulates, sounds, odor, or contain open flames.
   h) Reflective signs or signs that contain mirrors.
   i) Signs incorporating beacon or festoon lighting.
   j) Roof signs.
   k) Any sign containing information that states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter.

Table (9) PERMITTED SIGNS BY DISTRICT

	Zoning Districts						
Sign Types	3a	3b	3c	4a	4b	5a	5b
Address Sign	✓	✓	✓	✓	✓	✓	✓
Awning Sign	■	■	■	■	▯	✓	✓
Band Sign	■	■	■	■	▯	✓	✓
Blade Sign	■	■	■	■	▯	✓	✓
Marquee	■	■	■	■	■	✓	✓
Monument Sign	■	■	■	■	■	▯	▯
Nameplate Sign	■	▯	▯	▯	▯	✓	✓
Off-Premises Sign	■	■	■	■	■	■	▯
Outdoor Display Case	■	▯	▯	■	■	✓	✓
Shingle Sign	■	■	■	■	▯	✓	✓
Sidewalk Sign	■	■	■	■	■	✓	✓
Wall Sign	■	●	●	●	▯	✓	✓
Window Sign	■	■	■	■	▯	✓	✓
Yard Sign	■	▯	▯	▯	■	✓	✓

✓ *permitted all uses*

▯ *permitted only nonresidential uses*

● *permitted only apartment building type*

■ *not permitted*

l) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by Borough Council.

m) Signs promoting illegal activity.

n) Internally illuminated box signs.

B. Specific to address signs:

1. Address signs shall be easily visible by using colors or materials that contrast with their background.
2. Address signs shall be constructed of durable materials.
3. The address sign shall be attached to the front of the building in proximity to the principal entrance or at a mailbox.
4. Address signs shall display the property's address only.

C. Specific to awning signs:

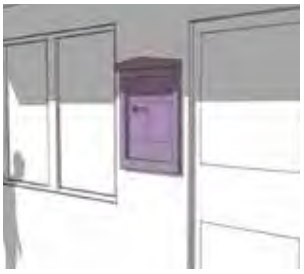
1. The following variations of awnings, with or without signbands, are permitted:
   a) Fixed or retractable awnings.
   b) Shed awnings.
   c) Dome awnings.
2. Signage shall be limited to the valance of the awning or the vertical portion of a dome awning.
3. Awning signs shall have a minimum vertical clearance from the sidewalk of 8 feet.
4. Awnings shall be a minimum of 4 feet in depth.
5. Awnings shall not extend beyond the width of the building or tenant space, nor encroach above the roof line or the story above.
6. The height of the valance shall not exceed 12 inches.
7. Awning signs shall contain only the business name, logo, and/or street address.
8. Letters, numbers, and graphics shall cover no more than 70% of the valance area.
9. Awning signs shall not be internally illuminated or backlit.

D. Specific to band signs:

1. All businesses are permitted one band sign on each first-story façade.
2. Band signs shall include only letters, background, lighting, and an optional logo.
3. Information shall consist only of the name and/or logo of the business.
4. The following band sign construction types are permitted:
   a) Cut-out letters – Shall be individually attached to the wall or on a separate background panel, and shall be externally illuminated.
   b) Flat panel – Shall be printed or etched on the same surface as the background, which is then affixed to the wall and externally illuminated.

Table (10) Sign Types

TYPE	SPECIFICATIONS	
Address Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height	max. 1 per address max. 2 sq. ft. max. 24″ max. 12″ max. 3″ min. 4′ max. 6″
Awning and Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height Valance Height Distance from Curb	max. 1 per window n/a max. equals width of façade n/a min. 4′ min. 8′ min. 5″, max. 10″ max. 12″ min. 2′
Band Sign	Quantity Area Maximum Width Height Depth/Projection Clearance Letter Height	1 (2 for corner buildings) 1.5 sq. ft. per linear feet façade max. 90% width of façade max. 3′ max. 7″ min. 8′ max. 18″
Blade Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height	1 per façade, 2 max max. 6 sq. ft. max. 4′ max. 4′ max. 4′ min. 8′ max. 8″
Marquee and Sign	Quantity Area Width Maximum Height Depth/Projection Clearance Letter Height Distance from Curb	1 per business n/a entrance plus 2′ each side max. 6′ min. 4′, max. 10′ min. 10′ n/a min. 3′

TYPE	SPECIFICATIONS	
Monument Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height Distance from Sidewalk	max. 1 per lot max. 36 sq. ft. max. 6′ max. 6′ n/a n/a n/a min. 3′
Nameplate Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height	max. 1per address max. 3 sq. ft. max. 18″ max. 2′ max. 3″ min. 4′ n/a
Off-Premises Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height	max. 1 per lot max. 64 sq. ft. max. 8′ max. 8′ n/a n/a n/a
Outdoor Display Case 	Quantity Area Width Height Depth/Projection Clearance Letter Height	max. 1 per address max. 6 sq. ft. max. 3.5′ max. 3.5′ max. 5″ min. 4′ n/a
Shingle Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height	1 per façade, 2 max. 4 sq. ft. max. 2′ max. 3′ max. 2′ min. 7′ max. 8″

TYPE	SPECIFICATIONS	
Wall Sign	Quantity Area Width Height Placement Clearance Letter Height Projection	max. 1 per business or apt. bldg. max. 24 sq. ft. max. 8′ max. 4′ parrallel to a façade n/a n/a n/a
Sidewalk Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height	max. 1 per business max. 8 sq. ft. max. 26″ max. 42″ n/a n/a n/a
Window Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height	1 per window max. 25% of glass varies varies n/a 4′ max. 8″
Yard Sign	Quantity Area Width Height Depth/Projection Clearance Letter Height	1 max. per lot max. 6 sq. ft. max. 3′ (not counting post) max. 4′ n/a n/a max. 8″

Credit: Sign standards adapted from Brown and Keenar Urban Design and Center for Transect Studies.

c) Channel Letters – Each letter shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent, or solid to create a backlit halo effect.

5. Height and width shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background.

6. Band signs shall not be wider than 90% of the width of the façade or tenant space.
7. Band signs shall not project vertically above the eave.
8. Band signs may be illuminated. External lights shall be shielded from direct view to reduce glare.
9. Neon may be permitted on band signs. No other internal lighting shall be permitted.
10. Electrical raceways, conduits and wiring shall not be exposed. Internal lighting elements shall be contained completely within the sign assembly or inside the wall.
11. Where multiple band signs are present on a single building (i.e. for retail tenants in a shopping center), signage shall be coordinated in terms of scale, placement, colors and materials.

E. Specific to blade signs:

1. Blade signs may be double-sided.
2. Businesses shall be permitted one blade sign on each façade where the primary frontage line is no more than 5 feet from the façade.
3. Blade signs may encroach the frontage up to 4 feet with a minimum vertical clearance of 8 feet.
4. Blade signs shall not extend above the roof line or above the bottom of a second-story window.
5. Text and graphics on the blade sign shall be limited to the name and/or logo of the business. Slogans, address labels, operating hours and contact information shall not be permitted.
6. For buildings with multiple signs, mounting hardware or sign shapes, sizes and colors shall be coordinated.

F. Specific to marquees:

1. Marquees are only permitted on commercial or mixed-use building types located in the 5a or 5b zoning districts.
2. Marquees shall be located only above the main entrance of a building.
3. No marquee shall be wider than the entrance it serves, plus 2 feet on each side thereof.
4. The minimum vertical clearance shall be 8 feet.
5. No marquee shall extend closer to the curb than 3 feet.
6. Marquee components and materials may vary. Anchors, bolts, and supporting rods should be limited to the interior of the marquee.
7. Message boards shall be permitted as part of marquees.
8. A band sign shall be permitted above a marquee.

G. Specific to nameplate signs:

1. Nameplates shall consist of either a panel or individual letters applied to a building wall within 10 feet of the main entrance to the building.
2. One nameplate shall be permitted per address.
3. Nameplates shall not exceed 3 square feet in area.

4. Nameplates shall be constructed of durable materials.

H. Specific to off-premises signs:

1. Any off-premises sign shall be located no closer then 100 feet to a tract boundary with a residential use.
2. Any off-premises sign shall be no higher than 14 feet measured from its highest point to the ground directly beneath the sign.

I. Specific to outdoor display cases:

1. Each outdoor display case shall not exceed 8 square feet in area.
2. Outdoor display cases may be externally or internally illuminated.
3. Entertainment venues may be permitted larger outdoor display cases up to 12 square feet in area.
4. Outdoor display cases shall not be attached to shopfront windows.

J. Specific to shingle signs:

1. Shingle signs shall conform to the standards for blade signs except §124-605.E.3 and §124-605.E.5.
2. A building may have both the prescribed number of blade signs and the same number of shingle signs.
3. Shingle signs may encroach the frontage up to 2 feet with a minimum clearance of 7 feet.
4. Text and graphics on the shingle sign shall be limited to the name, logo, and suite number of the business. Slogans, full street address labels, operating hours and contact information are not permitted.

K. Specific to sidewalk signs:

1. Sidewalk signs shall consist of freestanding, double-sided temporary signs placed at the entrance to a business in a primarily pedestrian environment.
2. Sidewalk signs shall be removed at the close of business each day.
3. One sidewalk sign shall be permitted for each business and be placed only on the property of that business.
4. Sidewalk signs shall not exceed 42 inches in height or 26 inches in width.
5. Sidewalk signs shall be moved inside during high winds or other weather conditions that may pose a hazard to public safety.
6. Sidewalk signs shall comply with §124-608 *Temporary Use of Sidewalk Areas.*
7. Sidewalk signs shall not obstruct drivers' views at intersections.

L. Specific to window signs:

1. Only the following window sign types shall be permitted:
   a) Vinyl applique letters applied to the window. Appliqués shall consist of individual letters or graphics with no visible background.

b) Letters painted directly on the window.

c) Hanging signs that hang from the ceiling behind the window.

d) Neon signs.

e) Door signs applied to or hanging inside the glass portion of an entrance doorway.

2. Window signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into the premises and view product displays.
3. Window signs shall be no larger than 25% of the total area of the window onto which they are applied. Sign area shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background.
4. Window signs may list services and/or products sold on the premises and provide phone numbers, operating hours or other messages, provided that the total aggregate area of these messages does not exceed the limit provided above.
5. Letters on window signs shall be no taller than 8 inches.

M. Specific to yard signs:

1. One single- or double-post yard sign for each business may be permitted provided it is set back at least 6 feet from the primary frontage line, does not exceed 6 square feet excluding posts, and does not exceed 6 feet in height including posts, measured from the yard at the post location.

N. Specific to temporary signs and banners:

1. Temporary signs of the yard sign type may be permitted for a 30-day period only.

§124-606 Fences and Walls

A. Permits.

1. A fence permit must be obtained from the Borough to install a fence or wall. A permit application must include a plan showing the specific location, material, type, and height of the proposed fence or wall.
2. Fences or walls existing prior to June 12, 2006 that do not conform to the provisions of this Section shall be considered legal nonconforming structures. Such an existing fence or wall may be maintained, repaired or structurally altered. However, no such repair or structural alteration shall create an additional nonconformity or increase the degree of nonconformity, and where that is the case, a permit must be sought though a permit application.

B. General regulations.

1. No fence or wall shall be constructed or maintained where traffic visibility or pedestrian circulation will be impeded.
2. No fence or wall may be constructed in the right of way except as provided in Section 124-606 C 1 below.

3. Fences and walls must be designed and constructed to resist a horizontal wind pressure of at least 15 pounds per square foot.
4. Every fence or wall that creates a wholly enclosed area and adjoins a sidewalk or street shall include a gate or other opening to provide access to the street. Gates shall open inward and not obstruct the sidewalk.
5. All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface, so the appearance is the same inside and out. No barbed wire, razor wire, electrified, concertina or similar security fences are permitted.
6. Any proposal for fences or walls that does not meet the standards of this Section may be approved by special exception, which may involve consideration of, but not limited to, cost, unusual conditions of topography or existing built structures, noise, light, building placement, or special needs of the occupants.

C. Height regulations.

1. Fence or wall height shall be measured as being the height above the elevation of the surface or the ground immediately beneath the fence. Where there is a difference in the ground level between two sides of a fence or wall, the height shall be determined by using the finished grade at the lower level. The height of decorative posts is not counted toward fence height, provided that such posts do not exceed 12 inches above the fence height.
2. Fences or walls may be placed in the right-of-way only when they are 24 inches or shorter, and may be placed up to the edge of a sidewalk or up to 6 feet from the edge of the cartway when used to retain sloped soils.
3. Specific to the first lot layer:
   a) No fence or wall may be higher than 3 feet.
4. Specific to the second and third lot layers:
   a) Side or rear yard fences or walls may be up to 6 feet in height, except when they abut a street, the height shall not exceed 3 feet.

§124-607 Temporary Use of Sidewalk Areas

A. Sidewalks may be used for temporary seating or signs or merchandise in the 5a and 5b zoning districts only.

B. Items may be located on sidewalks provided that a continuous clear path for walking is maintained across the entire frontage.

C. Items shall be temporary fixtures and relocated to within or alongside the fronts of buildings at the close of business each day.

Article 7 Streets and Streetscapes

§124-701 Streets

A. Streets shall be constructed and maintained according to the dimensional and design standards found in Table (11) *Street Dimension Standards* and the appropriate street condition drawing in the Appendix to this Code.

B. In addition to the standards of this Chapter, streets shall be constructed according to the standards of the Narberth Borough Subdivision and Land Development Ordinance §117-16.

C. The construction of a new cul-de-sac is prohibited.

D. Curbs shall not be required on streets where no curbs currently exist.

§124-702 Sidewalks

A. General to all zoning districts:

1. Hedges or other vegetation must be trimmed so as not to extend into the vertical plane of the edge of the sidewalk up to a height of 8 feet.
2. Hedges or other vegetation adjacent to a sidewalk and within the right-of-way shall be maintained at a height not to exceed 4 feet.
3. Sidewalks shall be constructed and repaired according to the engineering standards prescribed in the Narberth Code Chapter 112, Article II.

B. Specific to the 3a, 3b, 3c, 4a, and 4b zoning districts:

1. Sidewalks shall be a minimum of 4 feet in width and designed according to the appropriate condition in Table (11) *Street Dimension Standards* and the appropriate street condition drawing in this Section.

C. Specific to the 5a and 5b zoning districts:

1. Sidewalks shall be a minimum of 6 feet in width and designed according to the appropriate condition in Table (11) *Street Dimension Standards* and the appropriate street condition drawing in this Section.

D. Sidewalks shall be constructed according to the standards of the Narberth Borough Subdivision and Land Development Ordinance §117-19.

§124-703 Planting Strips

A. General to all zoning districts:

1. Planting strips, where present or required by the standards of this Chapter, should be designed as stormwater treatment facilities such that runoff from streets enters and flows through a mixture of grasses and perennials adapted to these conditions prior to exiting back to the street or a stormwater inlet.

2. Planting strips may also contain street trees as prescribed in §124-704 *Street Trees* provided the planting strip is at least 3 feet wide.
3. Planting strips may also contain a mixture of grasses and perennials such that plants do not overhang the sidewalk or cartway and are less than 36 inches tall at maturity, and are maintained in good order.

§124-704 Street Trees

A. General to all zoning districts:
   1. Trees shall be selected from the recommended plant list on file with the Borough Secretary and situated to avoid conflict with overhead and underground utilities.
   2. In cases where unique physical characteristics or utilities prevents the location of the required street trees in the first lot layer, planting strip where present, or tree pit, Borough Council or the Zoning Officer may require trees be located elsewhere on the property in the amount prescribed above, or a substitution of landscaping elsewhere on the lot and of an equivalent cost.

B. Specific to the 3a, 3b, 3c, and 4a zoning districts – A minimum of one street tree for each 30 linear feet of all frontage(s), or fraction thereof, shall be planted in the planting strip where the strip is at least 3 feet wide; or where none is present, too narrow, or overhead utilities exist, they shall be planted in the first lot layer.

C. Specific to the 4b, 5a, and 5b zoning districts:
   1. A minimum of one street tree for each 30 linear feet of all frontage(s), or fraction thereof, shall be planted in a tree pit located in the frontage or in the first lot layer.
   2. Tree pits shall be a minimum of 12 square feet at the sidewalk surface with no less than 3 feet of width in either direction and excavated to a depth of at least 3 feet.
   3. Where the installation of a tree pit with a tree grate would lessen the width of an existing sidewalk below 4 feet as measured from the edge of the opening in the tree pit grate to outside edge of the sidewalk, an alternate location of the street tree such as in the first lot layer shall be provided. Where no feasible option exists, Borough Council or the Zoning Office shall require trees be located elsewhere on the property in the amount prescribed above, or a substitution of landscaping elsewhere on the lot and of an equivalent cost.

Article 8 Administration

§124-801 Authority

Article IX of the *Pennsylvania Municipalities Planning Code* prescribes rules and procedures for the activities of Borough Council and the Zoning Hearing Board regarding administrative proceedings included in this Article as well as additional procedures and standards applicable to the enactment and enforcement of this Chapter. The standards of this Article shall apply additional criteria for review and procedural requirements.

§124-802 Zoning Officer

A. Appointment – The provisions of this Chapter shall be enforced by the Borough Zoning Officer with the aid of the Police Department and other municipal agencies. The Zoning Officer shall be appointed by Borough Council.

B. It shall be the duty of the Zoning Officer and he or she shall have the authority to:

1. Keep a public record of all plans and applications for permits and all permits issued, with notations as to special conditions attached thereto.
2. Review applications for zoning permits for construction or alterations of structures or changes of use to determine whether such construction or use is in accordance with the general requirements of this Chapter, all other applicable ordinances and the laws and regulations of the Commonwealth of Pennsylvania. The Zoning Officer shall issue no permit unless it conforms to all applicable ordinances, statutes and regulations.
3. Conduct investigations and surveys to determine compliance or non-compliance with the terms of this Chapter. In carrying out such surveys, the Zoning Officer or his or her representative may enter upon any land or buildings.
4. Make written orders requiring compliance with the provisions of this Chapter, to be served personally or by registered mail.
5. Institute proceedings in a court of proper jurisdiction for the enforcement of the provisions of this Chapter.
6. Maintain a map showing the current zoning classification of all land.
7. Maintain maps and data as needed for the provisions of this Chapter.
8. Register the identity, location and type of nonconforming uses.
9. Participate in all proceedings before the Zoning Hearing Board, to present facts and information to assist the Board in reaching a decision which shall be compatible with this Chapter and to have decisions of the Board reviewed in a court of proper jurisdiction when, in the judgment of the Zoning Officer, such review is desirable or indicated.

C. The Zoning Officer shall issue no permit for the construction or use of any land or building unless it also conforms to the requirements of all other Borough ordinances and the laws of the Commonwealth of Pennsylvania.

§124-803 Permits

A. No building shall be constructed or altered in the Borough nor the use of any building changed nor vacant land occupied until the Zoning Officer has determined plans to be in conformity with the provisions of this Chapter. No permit shall be considered as complete or permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this Chapter.

B. All applications for permits shall be made in writing according to standards adopted by the Borough by

resolution and fees for the same on forms prescribed by the Zoning Officer.

C. Issuance of permit – At least three copies of the permit under this Chapter shall be made. At least one copy of any permit required under this Chapter shall be posted and/or kept conspicuously on the premises during construction. After issuance of the permit under this Chapter, no changes of any kind shall be made to a zoning application without the written consent of the Zoning Officer and/or the Zoning Hearing Board, as applicable.

D. Revocation of permits – The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Chapter in case of one or more of the following:

1. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.
2. Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance or by Borough Council upon a conditional use.
3. Any work being accomplished or use of land or structures in such a way that does not comply with this Chapter or an approved site plan or approved permit application.
4. For any violation of Borough Building Code or Subdivision and Land Development Ordinance.
5. For any other just cause set forth in this Chapter.

E. Time limit of permits – The work authorized by permits shall begin within 180 days of issuance of the permit. Construction of a structure shall be completed within 12 months after the beginning of construction of such structure. Upon written request to the Zoning Officer, this may be extended another six months by the Zoning Officer upon just cause. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 45 days (or up to 180 days upon approval of a written request for extension by the Zoning Officer upon just cause), the Zoning Officer may conclusively presume that the applicant has waived, withdrawn, or abandoned, approvals and permits under this Chapter and may consider all such approvals and permits to have become null and void. The permittee must then reapply for a new permit and pay all fees at the current fee schedule at the time of application as required by the Borough.

§124-804 Conditional Use

A. Procedure.

1. Where conditional uses are to be granted, Borough Council shall schedule a public hearing to decide such requests within 60 days from the date of filing the application, or as extended by consent of the applicant. The hearing shall be conducted by Borough Council, or Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by Council. However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive the decision or findings by Council and accept the decision or findings of the hearing officer as final.
2. Borough Council shall request a review of the application for conditional use by the Planning Commission prior to the publicly scheduled public hearing to determine whether the standards of

this Chapter have been met and any recommendations for conditions of approval. Final approval and determination of these conditions shall be made by Borough Council.

3. Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons thereof. Conclusions based upon any ordinance, rule or regulation shall contain a reference to the provision relied upon which the reasons the conclusion is deemed appropriate in the light of facts found.
4. Where Borough Council fails to render a decision within the period required by this Section or fails to commence, conduct or complete the required hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, Borough Council shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the *Pennsylvania Municipalities Planning Code*.
5. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her no later than the day following its date.
6. The applicant shall provide the Borough with supporting information outlined in §124-804.B *An application for conditional use shall contain the following information* of this Chapter.
7. Additional Standards – In addition to standards elsewhere in this Chapter, Borough Council may attach conditions of approval to achieve the objectives set forth in §124-101 *Intent* of this Chapter to promote the public health, safety, and welfare which conditions may relate to any aspect of the proposed use for the property such as: landscape buffering; parking lot design; lighting design location and intensity; signage; hours or days of operation; safe pedestrian and auto circulation; or nuisance issues such as noise and odors.

B. An application for conditional use shall contain the following information:

1. The name of the legal owner, equitable owner, tenant and intended developer.
2. The deed to the property, and where applicable to the applicant, the agreement of sale or lease authorizing the applicant to seek conditional use approval.
3. Existing and proposed buildings and other structures, as shown on a plan prepared under seal by a Pennsylvania-licensed professional surveyor, engineer or architect, as well as façade and elevation views showing the entire exterior of all buildings. Site plans shall show locations of all utilities, heat pumps, compressors, etc. Site plans shall identify and describe proposed surface materials. Elevation views must show all new structures in context with existing buildings on the lot and adjoining properties.

4. The name, address of all adjoining property owners and the tax parcel numbers of the adjoining properties.
5. A key map showing the location of the proposed development within the Borough and its relationship to major streets and political boundaries.
6. Other existing and proposed improvements.
7. Any other information necessary to demonstrate compliance with the applicable conditional use criteria.

Article 9 Zoning Hearing Board

§124-901 Zoning Hearing Board

A. Membership – The Zoning Hearing Board shall consist of three members appointed by the Borough Council as provided by law.

B. Powers.

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Chapter.
2. To hear and decide special exceptions to the terms of this Chapter in such cases as are herein expressly provided for.
3. To hear and decide cases for an application for a variance.
4. The Zoning Hearing Board shall make rules as to the manner of filing appeals and filing applications for special exceptions or for variances from the terms of this Chapter.
5. Borough Council may require the Planning Commission to submit testimony at a public hearing of the Board.

C. Notice of public hearings – Upon filing with the Zoning Hearing Board of an appeal of a zoning decision, or of an application for a special exception, or for a variance from the terms of this Chapter; the Zoning Hearing Board shall fix a time and place for a public hearing thereon and shall give public and written notice as follows:

1. By publishing a public notice thereof, at least ten days in advance of such hearing, in a paper of general circulation in the Borough.
2. By mailing written notice thereof to the applicant, the Zoning Officer, each member of the Borough Council, to the Mayor and to the Secretary of the Borough.
3. In addition to the written notice provided herein, written notice of the said hearing shall be conspicuously posted on the affected tract of land for a continuous period of at least seven days prior to the hearing.
4. Written notice shall also be provided to any person who has made a timely request for the same, by registering with the Borough office in advance.

D. Fees to accompany applications – Each application for an appeal, special exception, or variance as provided in this Chapter shall be accompanied by a fee payable to the Borough Treasurer according to a schedule of fees adopted and amended by Council to cover the following costs: compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and the necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

E. Expiration of special exceptions and variances – Unless otherwise specified by the Zoning Hearing Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six months from the date of authorization thereof.

§124-902 Special Exception Standards and Criteria

A. General to all zoning districts:

1. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the intent of the Zoning Ordinance as stated in §124-101 *Intent*.

2. Where the zoning ordinance has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, either in this Section or elsewhere in this Chapter, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.

§124-903 Variances

A. The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the appellant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district

in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the intent of the zoning ordinance as stated in §124-101 *Intent*.

Article 10 Violations and Penalties

§124-1001 Violations

A. It shall be the duty of the Zoning Officer or other officials responsible for Code enforcement as designated by the Zoning Officer to take cognizance of violations of this Chapter. The official shall investigate each violation which comes to his or her attention, whether by observation or communication, and shall order, in writing, the correction of such conditions as are found to be in violation of this Chapter.

B. Failure to secure a building permit when required, previous to the erection, construction, extension or addition of a building shall be a violation of this Chapter.

§124-1002 Enforcement Notice

A. If it appears to the Borough that a violation of this zoning ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Borough intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

4. The date before which the steps for compliance must be commenced and the date before which the

steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Chapter.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§124-1003 Enforcement Remedies

A. Any person, partnership or corporation or other entity who or which has violated or permitted the violation of the provisions of this zoning ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation or other entity violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this zoning ordinance shall be paid over to the Borough.

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

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

§124-1004 Other Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used; or any tree, shrub, or other growth is maintained in violation of this Chapter or any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceeding by authorized legal process may be instituted or taken to prevent such lawful erection, construction or reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

§124-1005 Fees

A. The Borough may establish reasonable charges for copies of Zoning Hearing Board documents in accordance with fee schedules adopted by resolution of the Borough Council.

B. The fee charged for each application for an appeal, variance or special exception to the Zoning Hearing Board shall be paid at the time of filing such appeal. The fee shall be in accordance with the current fee schedule adopted by the Borough Council by resolution, which may be amended from time to time by Borough Council.

Article 11 Amendments

§124-1101 Amendment by Governing Body

The Borough may, from time to time, amend, supplement, change, modify, or repeal this Chapter, including the zoning map or other supporting documents, by proceeding in the following manner and as otherwise required by law.

§124-1102 Amendment Procedure

A. Before voting on the enactment or an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points deemed sufficient along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

B. In addition to the requirement that notice be posted under clause (A), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed at least thirty days prior to the date of the hearing by first-class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

   1. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

C. In the case of an amendment, Borough Council shall submit each such amendment to the Narberth Planning Commission and at least thirty days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. The Borough shall submit all zoning text and zoning map amendments to the Montgomery County Planning Commission at least thirty days prior to the public hearing for recommendations.

F. Within thirty days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Montgomery County Planning Commission for its files.

§124-1103 Application and Fees

A. Every application for amendment of this Chapter shall first be presented to the Zoning Officer and shall contain the following:

1. The applicant's name and address and his representative and the interest of every person represented in the application.
2. A plan showing the extent of the area to be zoned, streets bounding and intersecting the area, the land use and zone classification of abutting districts and the photographs of the area to be rezoned and abutting areas.
3. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reason for supporting the proposed rezoning.
4. The approximate time schedule for the beginning and completion of development in the area.
5. A scaled site plan indicating the locations of structures, uses, and areas for off-street parking and loading.
6. For a change or amendment to this Chapter and/or zoning map, the applicant or appellant shall pay a fee established by resolution by Borough Council which may be amended from time to time by resolution of Council for each application for such change.

Article 12 Definitions

Accessory building – A building subordinate in size and location to the principal building on a lot and used for purposes customarily incidental to those located in the principal building.

Accessory use – A use located on the same lot with a principal use and clearly incidental or subordinate to and in connection with the principal use.

Addition – An extension or increase in interior or exterior floor area of a principal building, including outdoor decks, or height of a building or structure.

Address sign – A sign, generally applied to a building wall that displays a building's address.

Alley – A vehicular way located to the rear of lots providing access to service areas, parking, and accessory buildings or containing utility easements.

Apartment building – A building containing only multiple family dwelling units.

Apex – The highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

Alteration – As applied to a principal building, a change or rearrangement in structural parts visible on the exterior of the building, openings for windows and doors, or the moving of a building from one location to another.

Automobile service – The servicing, repair, renting, or sale of automobiles; including the sale and installation of lubricants, tires, batteries and similar vehicle accessories, which may also include facilities used for polishing, greasing, washing, painting, body work, or cleaning vehicles.

Awning sign – Lettering applied directly on the valance or other vertical portion of an awning.

Balcony – An above-grade platform enclosed by a railing, wall, or balustrade that projects from the wall of a building.

Band sign – A sign that is attached flat on the exterior front, rear or side wall of any building or other structure. (Synonym: wall-mounted sign, fascia sign).

Bed and breakfast – A building used for the purpose of furnishing temporary lodging to guests, together with food service to such guests.

Blade sign – A sign mounted on the building façade, projecting at a 90 degree angle (synonym : projecting sign).

Block – A unit of land bounded by streets, open space, railroad rights of way, and rear lot lines for which the properties have a mailing address for that street within a range of 100 of each other, such as: 0-99; 100-199; 200-299, and including only properties on the same side of the street.

BMP (Best Management Practice) – Methods, measures, or practices used to prevent or reduce surface runoff and/or water pollution including, but not limited to, structural and nonstructural stormwater management practices and operation and maintenance procedures.

Buffer area – Space on a lot adjacent to the boundary of a property or district without structures.

Building – Any structure having enclosed walls and roof, intended for support or sheltering a use or occupancy, and attached to the land.

Building coverage – The building footprint(s) of all principal and accessory buildings on a lot expressed as a percentage of the total lot area.

Building footprint – A term used to describe the extent and location of all exterior walls, and the area therein contained, of a building on a lot. For the purposes of this Chapter, vertical party walls located on a lot line shall be treated as the limits of building footprint. Decks, porches, and other extensions of a building fixed to the ground shall likewise be included in the total.

Building height – The distance from the mean level of the ground located at the frontage line in its pre-development state to a point midway between the highest and lowest points of the roof of a building.

Carport – A structure erected over a driveway, entirely open on at least three sides exclusive of the necessary supporting columns and other customary architectural features.

Channel letters – Three dimensional letters mounted individually to a rail or surface.

Child care center – A facility which is licensed to provide care for seven or more children at any one time, where the child care areas are not being used as a family residence.

Child care facility – A facility whose owner maintains a certificate of compliance with the Pennsylvania Department of Public Welfare in which children, unrelated to the operator, receive child care services according to standards of Pennsylvania State law (Title 55 Public Welfare, Part V, subpart D Article 1) as defined; child care centers, group child care homes, or family child care homes.

Civic/institutional building – A building originally designed to be used for the assembly of people, governmental administration, emergency services, and libraries, or similar governmental, educational, or cultural function.

Clearance – The height above the walkway, or other surface specified, of the bottom edge of an element.

Commercial building – A building with one or more office, professional service, or light-industrial use, and no residential uses.

Community service – Any nonresidential use provided to the public such as a community social group, food pantry, counseling agency, or similar service, and the meeting halls, offices, and facilities that support that use.

Condominium – Real estate, wherein portions are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions and organized in accordance with the Pennsylvania Uniform Condominium Act. (68 PA C.S.A. §3101 et seq.).

Courtyard – A frontage type with an open space along and extending from the primary frontage line.

Curb – The edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system.

Detached house – A separate or disconnected house designed as a dwelling for fewer than three families.

Driveway – A private way providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.

Dwelling, one-family – A building permanently occupied by one family on one lot.

Dwelling, two-family – A building permanently occupied by two families located on one lot, where living areas are completely separated by walls from each other and each unit has a separate entrance to the outside.

Dwelling, multifamily – A building or floors permanently occupied by more than two families on one lot, where living areas are completely separated by walls from each other. Common areas such as laundry facilities, hallways, storage areas, and shared entrance(s) may exist within the structure.

Eave – The lower edge of a roof that overhangs a wall or porch at the extent of a building's foundation, or in the case of flat roofs, the point that the roof meets an exterior vertical wall.

Elevation – Any exterior wall(s) of a building that is not a façade.

Encroach – To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback or above a height limit.

Encroachment – Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback or above a height limit.

Entertainment venue – Any building or portion of a building designed for assembly and viewing of live or recorded performing arts.

Expression line – A line prescribed at a certain height of commercial or mixed-use buildings along the width of a façade, expressed by a variation in material or by a limited projection such as a molding or balcony.

Exterior alteration – The alteration of any exterior features of a building such as roof pitch or the size of door and window openings that are visible from any frontage.

Façade – The exterior wall or walls of a building located at or near a frontage line.

Façade, front – All above-ground exterior walls of a building located at or near the primary frontage line .

Family – Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than two of such number are unrelated to all of the others by blood, marriage, or legal adoption.

Family child care home – Any premises or dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child care is provided at any one time on a regular basis to four, five, or six children, who are not relatives of the caregiver.

Fence – A structure made of posts, rails, a solid wall, or the like which is a visible barrier that serves as a boundary marker or means of protection, confinement or separation.

Financial institution – An institution (other than a retail bank) that is organized primarily for the purpose of investing and trading of stocks, bonds and other investments, insurance, and advising clients on financial matters.

Front landing – In the case of buildings with raised entrances, the exterior plane that is connected to and at the same elevation as the first floor of the structure.

Frontage – The area between a building façade and vehicular lanes, inclusive of its built and planted components.

Frontage buildout – The linear distance of the intersection of a building and the frontage line at ground level.

Frontage line – A line parallel or tangent to a street located at a distance equal to the setback.

Frontage line, primary – A line parallel or tangent to a street where the front façade is located at a distance equal to the front setback.

Fueling station – An establishment that accommodates or is designed to accommodate the sale of gasoline, diesel fuel, ethanol, or any other fuel for vehicles by dispensing it directly into vehicles or approved containers.

Funeral home – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Gable – A triangular portion of an end wall between the edges of a sloping roof.

Gallery – A use within a building where works of art are displayed and sold to the public as a regular business activity.

Gambrel roof – A symmetrical four- sided roof that overhangs a façade or elevation and has vertical gable ends. The upper slope is positioned at a shallower angle than the lower slope.

Garage – An enclosed accessory building with a door or part of a principal building used for parking spaces.

General office – An office use not otherwise defined as professional office or medical office in this Chapter. This use shall include neither retail nor industrial uses, but may include business or vocational training.

Gross floor area – The sum of the gross horizontal areas of all floors in a building, measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings. The gross floor area shall include, but is not limited to, atriums, balconies, and other similar interior horizontal areas. The gross floor area shall not include basement areas used exclusively for storage, nor shall it include permitted outdoor or display areas

Group child care home – A facility in which care is provided for more than six but less than twelve children, at any one time, where the child care areas are being used as a family residence.

Habitable – Areas within buildings suitable for living for work authorized with a Certificate of Occupancy by the Building Inspector.

Hedge – Any continuous line of vegetation which serves as a boundary marker or means of protection or confinement.

Impervious coverage – The amount of impervious cover on a lot expressed as a percentage of the total lot area.

Impervious cover – Any material placed on or above the earth that prevents the natural percolation of water. Examples include, but are not limited to, structures (including eaves, roofs, and roof overhangs); paved parking areas, driveways, and roads; buildings, sidewalks, patios and decks, sport courts, and similar surfaces. Pervious materials such as gravel, crushed stone, or pavers without an improved infiltration facility shall be regarded as impervious cover.

Infiltration facility – A structure or landscape feature that promotes the movement of water into the soil, where it is absorbed by plant roots, evaporated, or percolates downward to recharge groundwater.

Land development – The improvement of one lot or two or more continuous lots, tracts, or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

Living area – Interior spaces of dwellings that include areas for cooking, sleeping, and bathing shared by one family.

Lot area – The total area of a lot as described on a deed filed with the Montgomery County Recorder of Deeds for a particular tax parcel less the area dedicated for public or private vehicular and pedestrian rights of way.

Lot layer – An area of a lot defined by its distance and limit from the principal road.

Lot line – A line defining the limits of a property exclusive of areas dedicated to public or private rights of way.

Manufacturing – The mechanical or chemical transformation of materials or substances into new products, including assembly or component parts and the production or refining of goods, materials or substances into new products.

Marquee – A projecting structural feature of a building that provides shelter and sign space.

Medical office – A place where medical or dental care is furnished to persons or animals on an outpatient basis by one or more doctors, dentists or veterinarians, without overnight boarding of animals or outside runs.

Message board – A sign with changeable text.

Mixed-use building – A multi-story building intended to provide a vertical mix of uses.

Multifamily house – A building occupied by more than two families, but fewer than six, living independently of one another, organized as a single structure with or without a shared entrance to some or all of the dwellings.

Museum – A use within a building where works of art or objects of interest are displayed and viewed by the public, but not offered for sale on a regular basis.

Nameplate – A sign consisting of either a panel or individual letters applied to a building, listing the names of businesses or building tenants.

No-impact home-based business – A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use, further defined by Act 247 – the PA Municipalities Planning Code.

Nonconforming lot – A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming building – A structure or part of a structure that does not comply with the applicable provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment.

Nonconforming use – A use, whether of land or of a building, which does not comply with the applicable use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment.

Outdoor display case – A sign consisting of a lockable metal or wood-framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support.

Parking space – An area of a public street or lot or private lot used for the storage of vehicles. With respect to parking spaces on lots, a driveway(s) or parking aisles shall provide access to and from the street and be considered separate from the parking spaces.

Party wall – A continuous vertical wall in common with and completely separating two adjacent buildings located on a lot line.

Patio – An open area typically with a hard surface placed upon the ground adjacent or attached to a principal building having no enclosing walls, roof or shelter from the weather.

Personal service – An establishment that provides a service oriented to personal needs of the general public and that does not involve primarily retail or wholesale sales or services to businesses.

Pilaster – A slightly projecting column that is built into or applied to the face of a wall.

Porch – A roofed area that is attached to and has direct access to the principal building.

Portico – A roofed area that is attached to and has direct access to the principle building, typically smaller than a porch.

Principal building – The building on a lot that is the largest on a lot and houses the principal use(s).

Principal road – A road bordering a property that existing buildings on the block face.

Principal use(s) – The main use(s) of land or structures, as distinguished from an accessory use.

Professional office – A use that involves administrative, clerical, real estate, financial, governmental, certain professional operations, or operations of a similar character that are not reasonably expected to result in regular, frequent client/customer visits to the office space. The following uses are specifically excluded from the definition of office use for purposes of this Section and shall not be permitted: medical and dental offices, clinics, laboratories, retail, call-centers, vocational training centers, child care, industrial, consumer banking, temporary lodging, photographic studios and/or television or radio broadcasting studios, and personal service or therapeutic uses, including psychological and psychiatric uses. Professional offices shall contain no more than one employee per 150 square feet.

Restaurant – A store where prepared food or drink is sold to patrons and consumed on premises in an area dedicated for this purpose.

Retail bank – A financial or fiduciary institution, including a savings and loan, finance company, credit union and other similar institutions; that has routine interactions with the public and may include automatic teller machines.

Ridge – The horizontal line along which the tops of the rafters of a roof meet.

Right-of-way – The full width of the deeded public or private street; in most cases, it includes the cartway, adjoining sidewalk, and planting strip if present.

Roof, primary – Any roof plane whose rafters rest on a load bearing exterior wall at the height of a first or second floor eave or overhanging a wall or porch.

Roof, secondary – Any roof plane that is not a primary roof such as dormer or porch roofs.

Row house – A single-family dwelling that shares one or two vertical party walls on a lot line with another dwelling of the same type along the primary frontage line in a group of such dwellings numbering no less than three.

School – A building designed and used for human educational purposes, including only the following: preschool, nursery school, elementary and secondary schools, colleges, universities, junior colleges and vocational and technical schools. A school may be either private or public.

Setback (front, side, or rear) – The area of a lot measured from a lot line to a façade or elevation that is maintained clear of permanent structures not to include portions of the structure authorized as an encroachment.

Shared parking ratio – An accounting of parking spaces that are available to more than one use on a lot or shared between adjoining lots.

Shed awning – An awning with two short sides in addition to the main canopy.

Shingle sign – A small blade sign usually mounted on the ground floor level displaying a building's professional tenant directory.

Shopfront – A frontage on the first floor that is primarily transparent and faces a frontage line. Sidewalk – The paved area for pedestrians adjoining the street within or adjoining the dedicated public right-of-way not including the width of the curb.

Sidewalk sign – A moveable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

Sign band – The horizontal signage area on a valance or marquee.

Small restaurant – A store where prepared food is sold to patrons and consumed on premises in an area dedicated for this purpose that is less than or equal to 500 square feet.

Stoop – A frontage, usually elevated above grade that connects the front door of a building to a sidewalk.

Store – Any retail establishment selling any merchandise to patrons that includes areas for the display and storage of goods that does not have an area dedicated for eating food.

Story – A habitable floor within a principal building, not to include basements or attics; or in the case of accessory buildings where the accessory use is located.

Studio – An establishment in which fine art or crafts are manufactured and sold to customers, or fine arts training classes are held.

Street line – The line of dedication in the case of a dedicated street and a line 25 feet each side of the center line in the case of a private road.

String course – A thin continuous projecting course of brickwork or stone that runs horizontally around a building, typically to emphasize the junction between floors.

Structured parking – Parking spaces in a decked configuration developed above or below grade in either a separate building or as an integral part of a principal use; not including single-level parking within a structure or garage.

Subdivision – The division or union of a lot or lots into a new lot or lots including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution, transfer of ownership, or of building or land development.

Sun shade – A permanently affixed, non-moveable, and durably constructed shield or canopy projecting from an exterior wall of a building designed to permit maximum solar heating during the shortest day of the year and maximum solar cooling during the longest day of the year.

Temporary lodging – A dwelling rented or otherwise used by a family for less than one continuous month.

Temporary market – A transient gathering of retail businesses in a location such as a parking lot or building.

Terrace – A frontage usually elevated above grade and open for seating.

Tree pit – An excavated opening in the sidewalk for planting trees.

Twin house – A pair of single-family dwellings designed as a single structure with substantially similar halves that shares a vertical party wall on a lot line along the primary frontage line.

Valance – The portion of an awning that hangs perpendicular to the sidewalk.

Window sign – A sign placed or painted on the interior of a shopfront window or the window of a business door.

Yards (front, side, or rear) – The area between the appropriate setbacks and the street line.

Yard sign – A permanent freestanding sign in the frontage, including a supporting post or posts.

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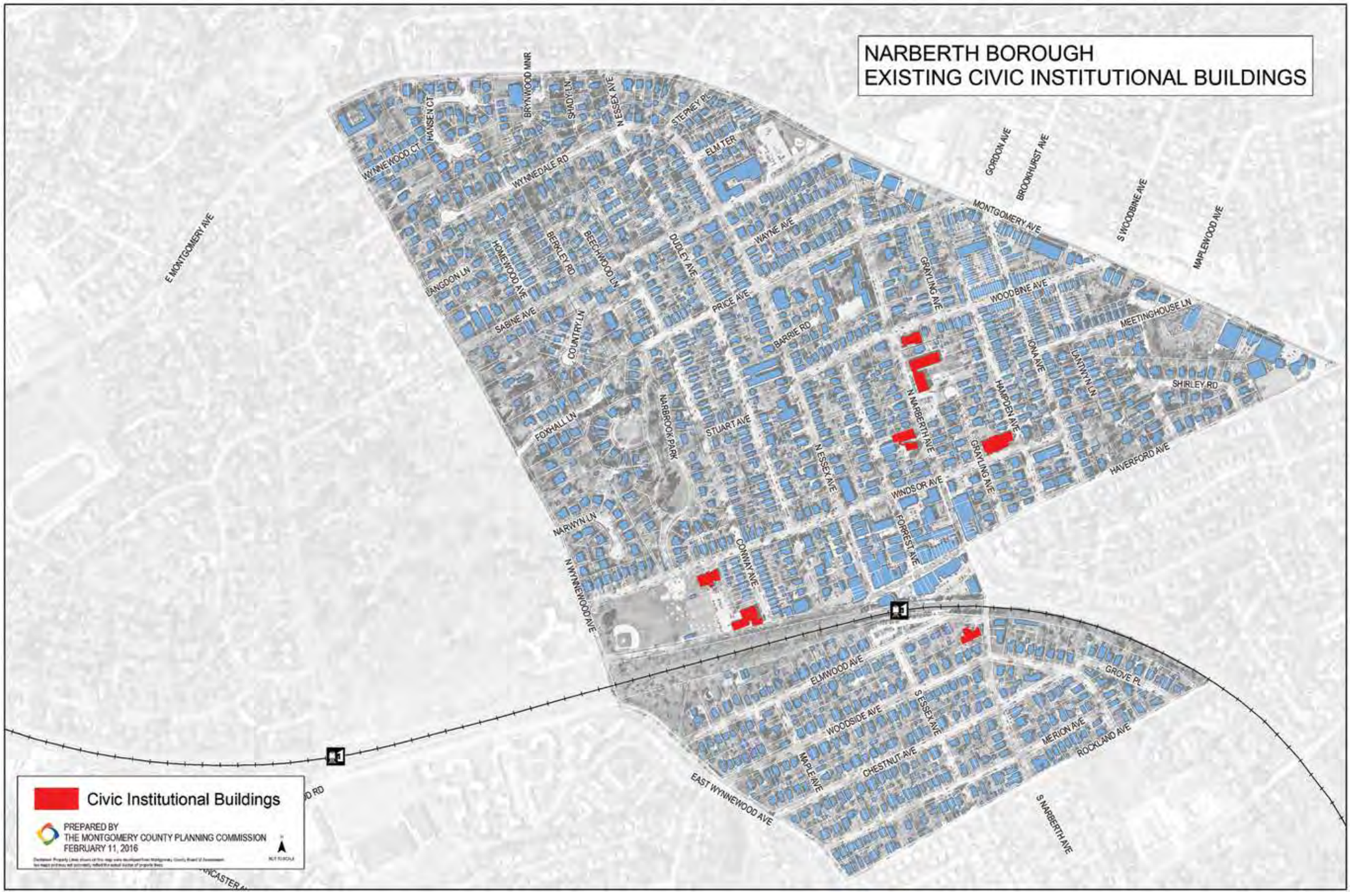
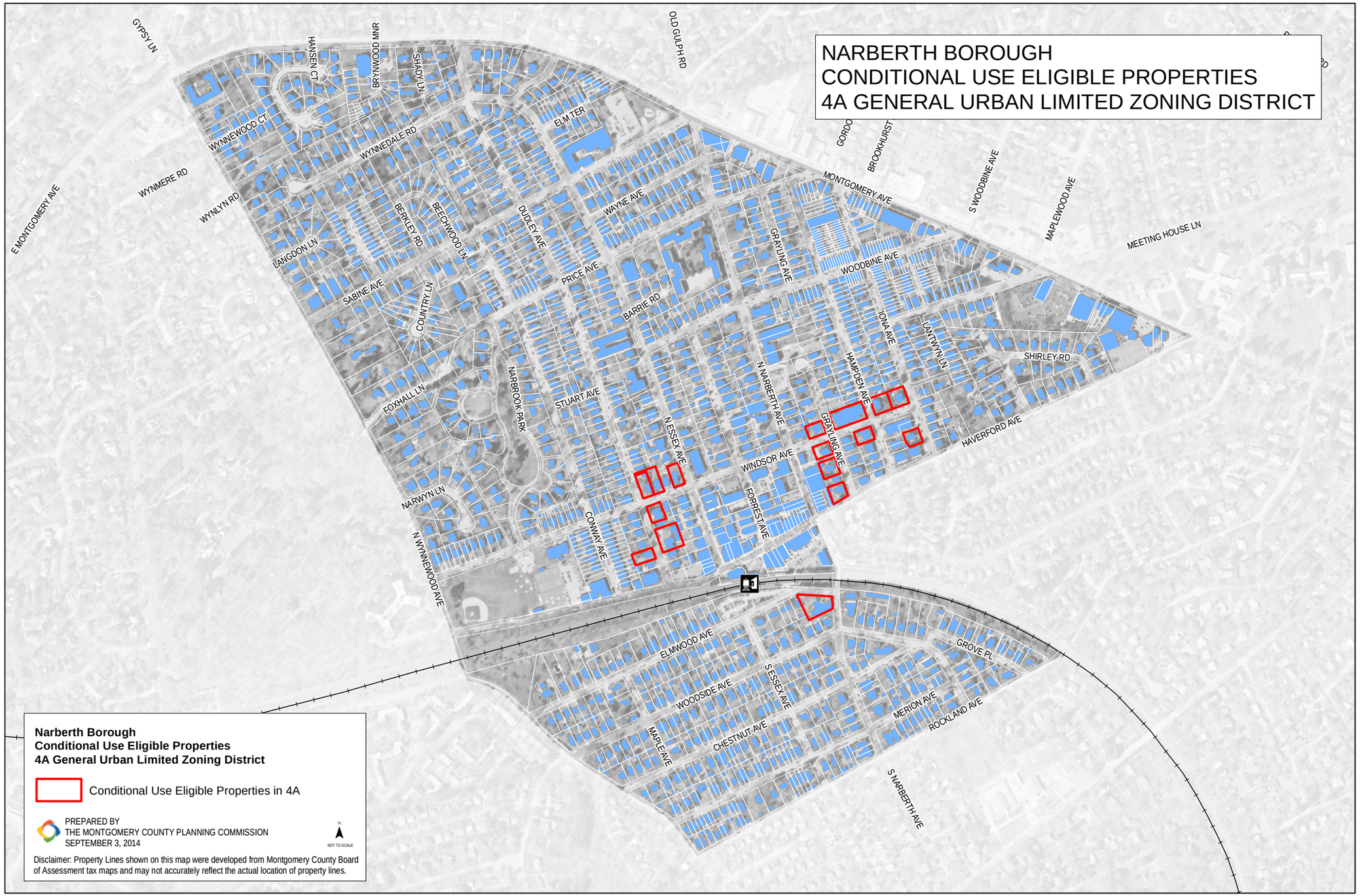
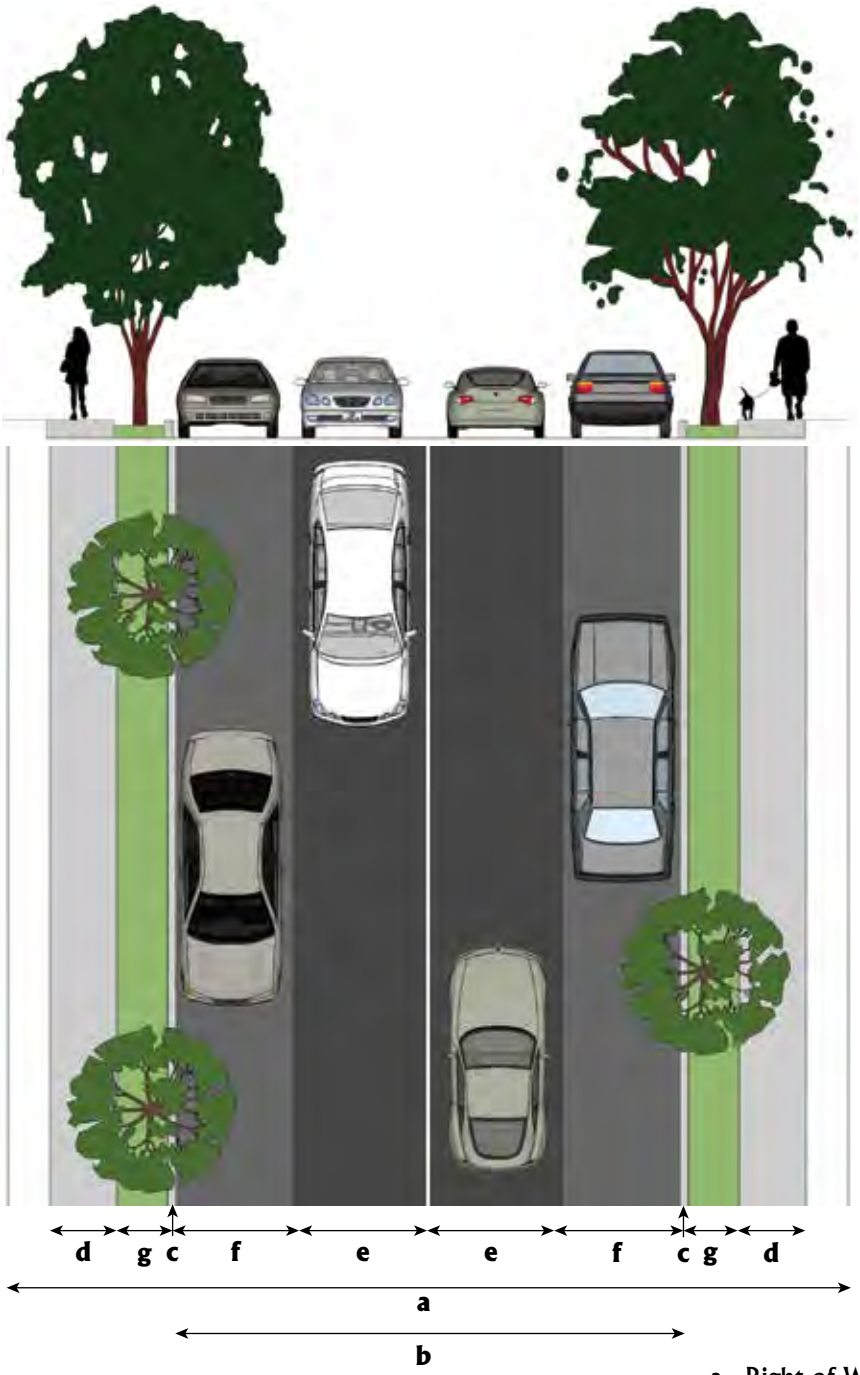

NARBERTH BOROUGH
EXISTING CIVIC INSTITUTIONAL BUILDINGS
Civic Institutional Buildings
PREPARED BY
THE MONTGOMERY COUNTY PLANNING COMMISSION
FEBRUARY 11, 2016
E MONTGOMERY AVE
WYNNEWOOD CT
HANSEN CT
BRYNWOOD MNR
SHADY LN
N ESSEX AVE
STEPNEY PL
ELM TER
WYNNEDALE RD
GORDON AVE
BROOKHURST AVE
MONTGOMERY AVE
S WOODBINE AVE
MAPLEWOOD AVE
LANGDON LN
HOMEWOOD AVE
BERKLEY RD
BEECHWOOD LN
DUDLEY AVE
WAYNE AVE
GRAYLING AVE
WOODBINE AVE
MEETINGHOUSE LN
SABINE AVE
COUNTRY LN
PRICE AVE
BARRIE RD
IONA AVE
LANTWYN LN
SHIRLEY RD
FOXHALL LN
NARBROOK PARK
STUART AVE
N NARBERTH AVE
HAMPDEN AVE
N ESSEX AVE
WINDSOR AVE
HAVERFORD AVE
NARWYN LN
CONWAY AVE
FORREST AVE
N WYNNEWOOD AVE
ELMWOOD AVE
GROVE PL
S ESSEX AVE
WOODSIDE AVE
MERION AVE
ROCKLAND AVE
CHESTNUT AVE
MAPLE AVE
EAST WYNNEWOOD AVE
S NARBERTH AVE


NARBERTH BOROUGH
CONDITIONAL USE ELIGIBLE PROPERTIES
4A GENERAL URBAN LIMITED ZONING DISTRICT
GYPSY LN
HANSEN CT
BRYNWOOD MNR
SHADY LN
OLD GULPH RD
WYNNEWOOD CT
WYNNEDALE RD
ELM TER
GORDO
BROOKHURST
MONTGOMERY AVE
S WOODBINE AVE
MAPLEWOOD AVE
MEETING HOUSE LN
E MONTGOMERY AVE
WYNMERE RD
WYNLYN RD
LANGDON LN
BERKLEY RD
BEECHWOOD LN
DUDLEY AVE
WAYNE AVE
GRAYLING AVE
WOODBINE AVE
SABINE AVE
COUNTRY LN
PRICE AVE
BARRIE RD
IONA AVE
LANTWYN LN
SHIRLEY RD
FOXHALL LN
NARBROOK PARK
STUART AVE
N NARBERTH AVE
HAMPDEN AVE
N ESSEX AVE
GRAYLING AVE
HAVERFORD AVE
WINDSOR AVE
NARWYN LN
FORREST AVE
CONWAY AVE
N WYNNEWOOD AVE
ELMWOOD AVE
GROVE PL
S ESSEX AVE
WOODSIDE AVE
MERION AVE
ROCKLAND AVE
MAPLE AVE
CHESTNUT AVE
S NARBERTH AVE
Narberth Borough
Conditional Use Eligible Properties
4A General Urban Limited Zoning District
Conditional Use Eligible Properties in 4A
PREPARED BY
THE MONTGOMERY COUNTY PLANNING COMMISSION
SEPTEMBER 3, 2014
N
NOT TO SCALE
Disclaimer: Property Lines shown on this map were developed from Montgomery County Board of Assessment tax maps and may not accurately reflect the actual location of property lines.

Streets Section 124-701

Condition A: Two-Way Travel and Two Lanes of Parking

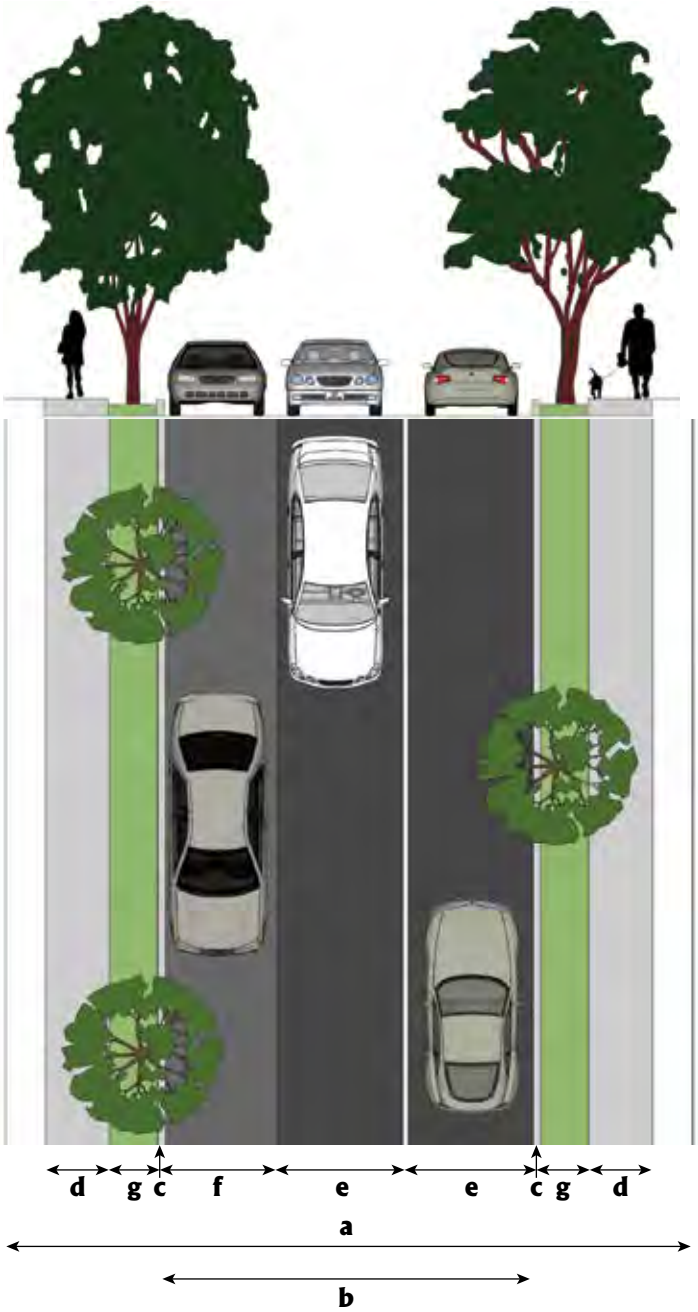


a - Right-of-Way
b - Cartway
c - Curb width equals 6"
d - Sidewalk
e - Travel Lane
f - Parking Lane
g - Planting Strip (if present)

examples provided for illustrative purposes only

Streets Section 124-701

Condition B: Two-Way Travel and One Lane of Parking



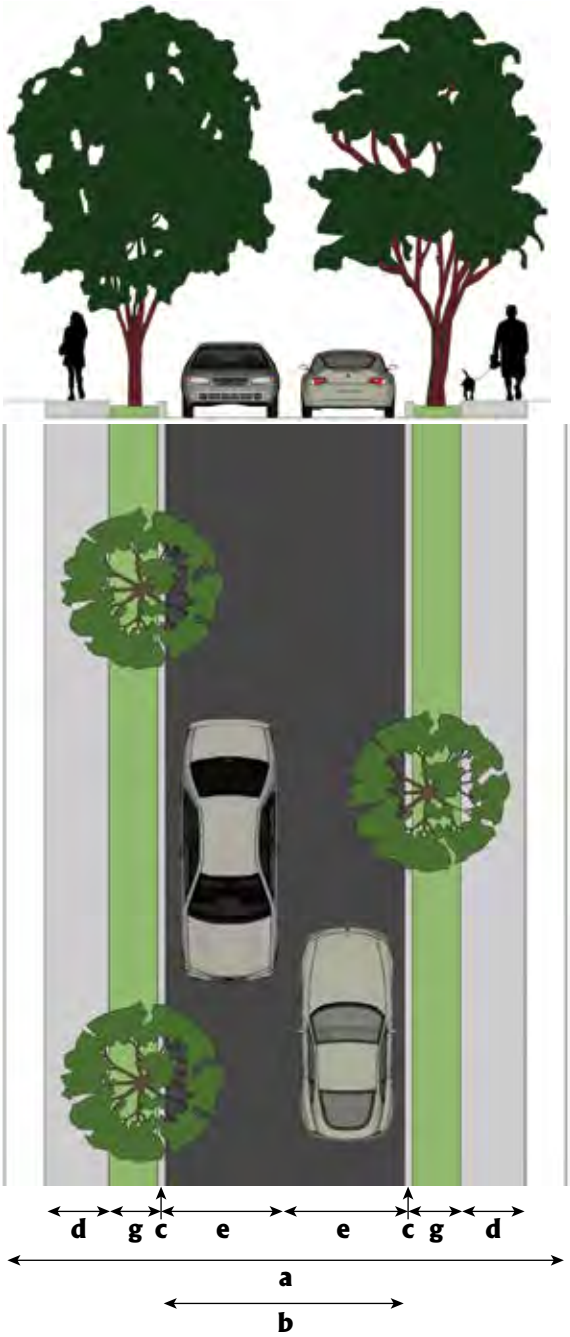
a - Right-of-Way
b - Cartway
c - Curb width equals 6"
d - Sidewalk
e - Travel Lane
f - Parking Lane
g - Planting Strip (if present)

examples provided for illustrative purposes only

Streets

Section 124-701

Condition C: Two-Way Travel without On-Street Parking



a - Right-of-Way
b - Cartway
c - Curb width equals 6"
d - Sidewalk
e - Travel Lane
f - Parking Lane (not applicable)
g - Planting Strip (if present)

examples provided for illustrative purposes only

Streets Section 124-701

Condition D: One-Way Travel with Two Lanes of Parking

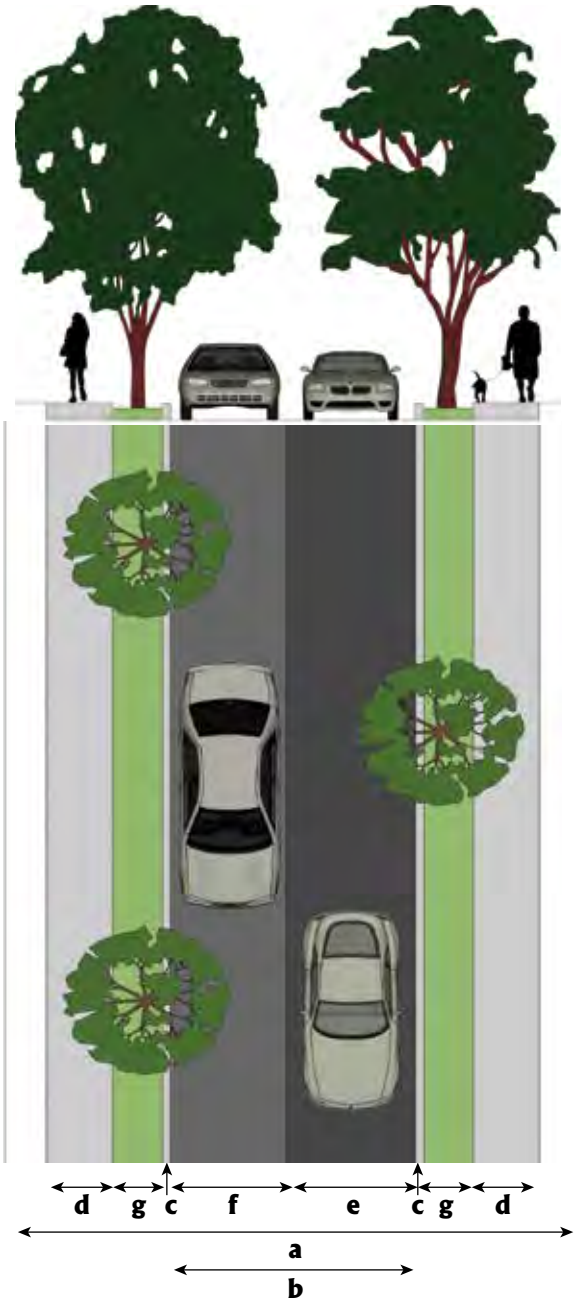
a - Right-of-Way
b - Cartway
c - Curb width equals 6"
d - Sidewalk
e - Travel Lane
f - Parking Lane
g - Planting Strip (if present)

examples provided for illustrative purposes only

Streets

Section 124-701

Condition E: One-Way Travel with One Lane of Parking



a - Right-of-Way
b - Cartway
c - Curb width equals 6"
d - Sidewalk
e - Travel Lane
f - Parking Lane
g - Planting Strip (if present)

examples provided for illustrative purposes only

Streets Section 124-701

Condition F: One-Way Travel without On-Street Parking

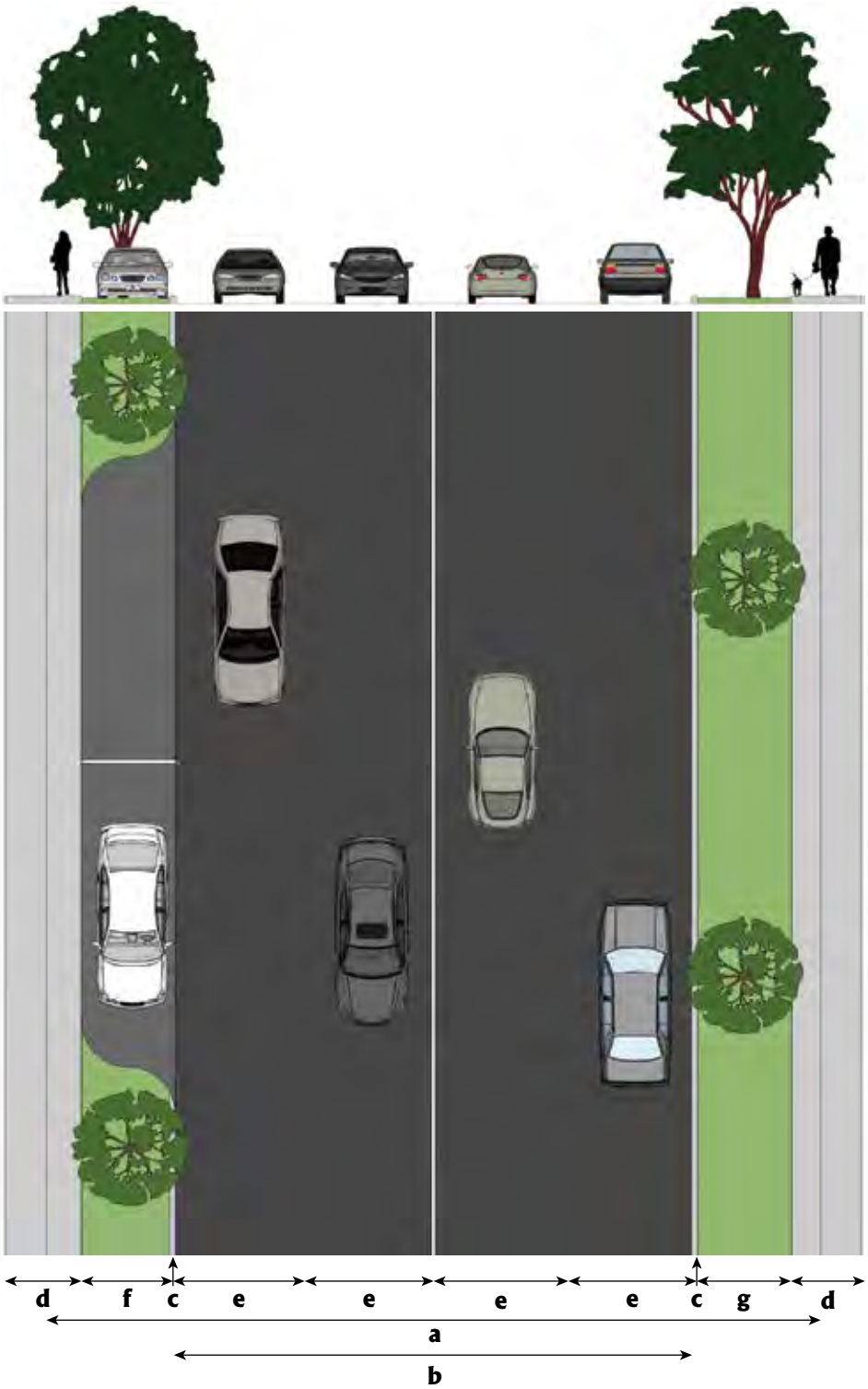
a - Right-of-Way
b - Cartway
c - Curb width equals 6"
d - Sidewalk
e - Travel Lane
f - Parking Lane (not applicable)
g - Planting Strip (if present)

examples provided for illustrative purposes only

Streets

Section 124-701

Condition G: Four Travel Lanes with Parking Lanes or Wide Planting Strip



a - Right-of-Way
b - Cartway
c - Curb width equals 6"
d - Sidewalk
e - Travel Lane
f - Parking Lane
g - Planting Strip

examples provided for illustrative purposes only

Table (11) Street Dimension Standards

			a	b	c	d	e	f	g			
Block	Name	Condition	Right-of-Way Width	Cartway Width	Curb Width	Sidewalk Width	Travel Lane Width	Parking Lane Width	Planting Strip Width	Direction	Parking	Number of Sidewalks
200	BARRIE	B	36'	20'	6"	4'	■	■	0	2	1	1
500	BEECHWOOD	B	36'	20'	6"	4'	■	■	2'	2	1	2
600	BERKLEY	B	50'	22'	6"	4'	■	■	0	2	1	1
000	BRYNWOOD	C	12'	18'	6"	N/A	■	■	0	1	0	N/A
000	CHESTNUT	B	44'	26'	6"	4'	■	■	3'	2	1	2
100-399	CHESTNUT	A	44'	26'	6"	4'	■	■	3'	2	2	2
100	CONWAY	D	50'	30'	6"	4'	■	■	0	1	2	2
500	CONWAY	B	50'	30'	6"	4'	■	■	0	2	1	1
200 - 499	CONWAY	A	50'	30'	6"	4'	■	■	0	2	2	2
400	COUNTRY	B	50'	24'	6"	4'	■	■	0	2	1	2
100	DUDLEY	D	50'	30'	6"	4'	■	■	0	1	2	2
200-599	DUDLEY	A	50'	30'	6"	4'	■	■	0	2	2	2
200	ELM TERRACE	A	40'	22'	6"	4'	■	■	2'	2	2	2
000-099	ELMWOOD	A	44'	26'	6"	4'	■	■	4'	2	2	2
100-299	ELMWOOD	B	44'	26'	6"	4'	■	■	4'	2	1	2
100-199	ESSEX (N)	D	50'	30'	6"	6 - 12'	■	■	0	1	2	2
100-400	ESSEX (S)	B	44'	25'	6"	4	■	■	3'	2	1	2
200-499	ESSEX (N)	B	50'	30'	6"	4	■	■	0	2	1	2
500-699	ESSEX (N)	B	50'	32'	6"	4	■	■	2'	2	1	2
100	FORREST	A	50'	30'	6"	6 - 12'	■	■	0	2	2	2
200	FORREST	A	50'	28'	6"	4'	■	■	0	2	2	2
100	FOXHALL	A	50'	30'	6"	4'	■	■	0	2	2	2
300	GRAYLING	A	50'	28'	6"	4'	■	■	0	2	2	2
100-299	GRAYLING	A	50'	28'	6"	4'	■	■	2'	2	2	2
400	GROVE	A	44'	24'	6"	4'	■	■	4'	2	2	2
300	HAMPDEN	A	50'	25'	6"	4'	■	■	0	2	2	1
100-299	HAMPDEN	A	50'	30'	6"	4'	■	■	0	2	2	2
000	HANSEN	A	50'	30'	6"	4'	■	■	0	2	2	2
000	HAVERFORD	E	33'	24'	6"	4'	■	■	0	1	1	1
100	HAVERFORD	F	33'	24'	6"	4'	■	■	0	1	0	1
200- 301	HAVERFORD	D	33'	21'	6"	6 - 12′	■	■	0	1	2	2
302 - 699	HAVERFORD	C	33'	24'	6"	4'	■	■	0	2	0	2
500	HOMEWOOD	A	50'	30'	6"	4'	■	■	0	2	2	2
100 - 199	IONA	B	50'	30'	6"	4'	■	■	0	2	1	2
200 - 399	IONA	A	50'	28'	6"	4'	■	■	1'	2	2	2
000	LANGDON	A	50'	30'	6"	4'	■	■	3'	2	2	2
200	LANTWYN	B	20'	16'	6"	4'	■	■	0	2	1	1

			a	b	c	d	e	f	g			
Block	Name	Condition	Right-of-Way Width	Cartway Width	Curb Width	Sidewalk Width	Travel Lane Width	Parking Lane Width	Planting Strip Width	Direction	Parking	Number of Sidewalks
300	LANTWYN	B	20'	16'	6"	4'	■	■	0	2	0	1
100 - 299	MAPLE	A	44'	26'	6"	4'	■	■	0	2	2	2
300	MEETING HOUSE	A	50'	28'	6"	4'	■	■	0	2	2	2
100-399	MERION	A	44'	26'	6"	4'	■	■	3'	2	2	2
1000-1200	MONTGOMERY	G	66'	44'	6"	6'	■	■	4'	2	0	2
600-999	MONTGOMERY	G	66'	44'-60′	6"	6'-12'	11'	8'	8'	2	0-2	2
100	NARBERTH (N)	D	50'	30'	6"	6'-12'	■	■	0	1	2	2
000 - 099	NARBERTH (S)	B	50'	24'	6"	6'-12'	■	■	0	2	1	2
200-499	NARBERTH (N)	B	50'	30'	6"	4'	■	■	0	2	1	2
300 - 401	NARBERTH (S)	B	40'	24'	6"	4'	■	■	2'	2	1	2
	*NARBROOK PARK	C or F	38.5" or 26.5'	14'6"	N/A	4'	■	■	8'	1 or 2	0	1 or 2
000 - 099	NARWYN	A	50'	30'	6"	4'	■	■	0	2	2	1
000 - 399	PRICE	A	50'	28	6"	4'	■	■	0	2	2	2
100 - 299	ROCKLAND	B	35'	24'	6"	4'	■	■	0	2	1	2
300 - 499	ROCKLAND	B	35'	24'	6"	4'	■	■	4'	2	1	2
000 - 299	SABINE	A	50'	30'	6"	4'	■	■	0	2	2	2
600	SHADY	C	16'	16'	6"	4'	■	■	0	2	0	2
000	SHIRLEY	B	33'	20	6"	4'	■	■	0	2	1	2
200	STEPNEY	B	50'	22	6"	4'	■	■	3'	2	1	2
000	STUART	A	44'	24	6"	4'	■	■	0	2	2	2
200	WAYNE	B	50'	24	6"	4'	■	■	0	2	1	2
200	WILLIAMS	D	40'	22	6"	4	■	■	2'	1	2	2
000-199	WINDSOR	A	50'	30	6"	4'	■	■	0	2	2	2
200 - 250	WINDSOR	E	50'	30'	6"	4'	■	■	0	1	1	2
251 - 399	WINDSOR	D	50'	30'	6"	4'	■	■	0	2	2	2
000 - 399	WOODBINE	A	50'	30'	6"	4'	■	■	0	2	2	2
000 - 100	WOODSIDE	A	44'	26'	6"	4'	■	■	3'	2	2	2
200 - 599	WOODSIDE	A	44'	26'	6"	4'	■	■	4'	2	2	2
100	WYNNEDALE	A	50'	24'	6"	4'	■	■	5.5'	2	2	2
300	WYNNEWOOD (S)	C	50'	28'	6"	4'	■	■	0	2	0	2
000 - 399	WYNNEWOOD (N)	C	50'	28'	6"	4'	■	■	6'	2	0	2
400 +	WYNNEWOOD (N)	C	50'	24'	6"	4'	■	■	6'	2	0	2
000	WYNNEWOOD CT	B	40'	23	6″	4	■	■	0	2	1	2

** Narbrook Park – roads are privately owned and should conform to the standards of the record plan for the development.*

■ *existing conditions*
N/A *not applicable to this block*

TABLE (12) PARKING CREDITS

Block	Name	Block Total Linear Feet	Block Parkable Linear Feet	Ratio	Linear Feet Along Property Frontage for One Credit
200	BARRIE	485	402	0.83	24.13
500	BEECHWOOD	758	330	0.44	45.94
600	BERKLEY	371	199	0.54	37.29
000	CHESTNUT	667	606	0.91	22.01
100	CHESTNUT	1749	1284	0.73	27.24
200	CHESTNUT	866	628	0.73	27.58
300	CHESTNUT	434	296	0.68	29.32
100	CONWAY	974	485	0.50	40.16
200	CONWAY	563	398	0.71	28.29
300	CONWAY	547	344	0.63	31.80
400	CONWAY	686	478	0.70	28.70
500	CONWAY	400	366	0.92	21.86
400	COUNTRY	722	0	0	no credit
100	DUDLEY	1187	618	0.52	38.41
200	DUDLEY	1575	1222	0.78	25.78
300	DUDLEY	1137	826	0.73	27.53
400	DUDLEY	1324	1045	0.79	25.34
500	DUDLEY	956	732	0.77	26.12
200	ELM TERRACE	450	313	0.70	28.75
100	ELMWOOD	1513	677	0.45	44.70
200	ELMWOOD	693	452	0.65	30.66
000-099	ELMWOOD	909	713	0.78	25.50
100	ESSEX (N)	1186	622	0.52	38.14
200	ESSEX (N)	1879	554	0.29	67.83
300	ESSEX (N)	712	536	0.75	26.57
400	ESSEX (N)	696	560	0.80	24.86
500-699	ESSEX (N)	757	333	0.44	45.47
100	FORREST	649	236	0.36	55.00
200	FORREST	2016	1548	0.77	26.05
100	GRAYLING	1054	683	0.65	30.86
200	GRAYLING	1298	1115	0.86	23.28
300	GRAYLING	1526	1246	0.82	24.49
400	GROVE	1143	965	0.84	23.69
100	HAMPDEN	562	358	0.64	31.40
200	HAMPDEN	1395	1063	0.76	26.25
300	HAMPDEN	312	259	0.83	24.09
200	HAVERFORD	1063	792	0.75	26.84
500	HOMEWOOD	705	421	0.60	33.49
100	IONA	500	183	0.37	54.64

Block	Name	Block Total Linear Feet	Block Parkable Linear Feet	Ratio	Linear Feet Along Property Frontage for One Credit
200	IONA	1559	995	0.64	31.34
300	IONA	458	392	0.86	23.37
200 - 300	LANTWYN	1424	593	0.42	48.03
100	MAPLE	550	450	0.82	24.44
300	MEETING HOUSE	904	648	0.72	27.90
100	MERION	1930	1574	0.82	24.52
200	MERION	671	577	0.86	23.26
300	MERION	693	534	0.77	25.96
1200-1300	MONTGOMERY	n/a	0	0	no credit
100	NARBERTH (N)	964	430	0.45	44.84
100	NARBERTH (S)	454	0	0	no credit
200	NARBERTH (N)	1962	861	0.44	45.57
200	NARBERTH (S)	475	173	0.36	54.91
300	NARBERTH (N)	1389	603	0.43	46.07
300	NARBERTH (S)	1053	942	0.89	22.36
400	NARBERTH (N)	497	198	0.40	50.20
400	NARBERTH (S)	744	257	0.35	57.90
100	PRICE	484	341	0.70	28.39
200	PRICE	1403	956	0.68	29.35
300	PRICE	300	282	0.94	21.28
100	ROCKLAND	316	0	0	no credit
100	SABINE	234	176	0.75	26.59
200	SABINE	1220	705	0.58	34.61
000 - 099	SABINE	2367	1444	0.61	32.78
000	STUART	338	242	0.72	27.93
200	WAYNE	1597	489	0.31	65.32
200	WILLIAMS	220	220	1	20.00
100	WINDSOR	797	458	0.57	34.80
301	WINDSOR	203	87	0.43	46.67
000 - 099	WINDSOR	961	310	0.32	62.00
302-399	WINDSOR	804	445	0.55	36.13
200	WOODBINE	585	493	0.84	23.73
300	WOODBINE	873	700	0.80	24.94
000 - 099	WOODBINE	428	340	0.79	25.18
100	WOODSIDE	1926	1292	0.67	29.81
200	WOODSIDE	884	742	0.84	23.83
300	WOODSIDE	1291	596	0.46	43.32
000 - 099	WOODSIDE	853	672	0.79	25.39
400-500	WOODSIDE	1043	341	0.33	61.17

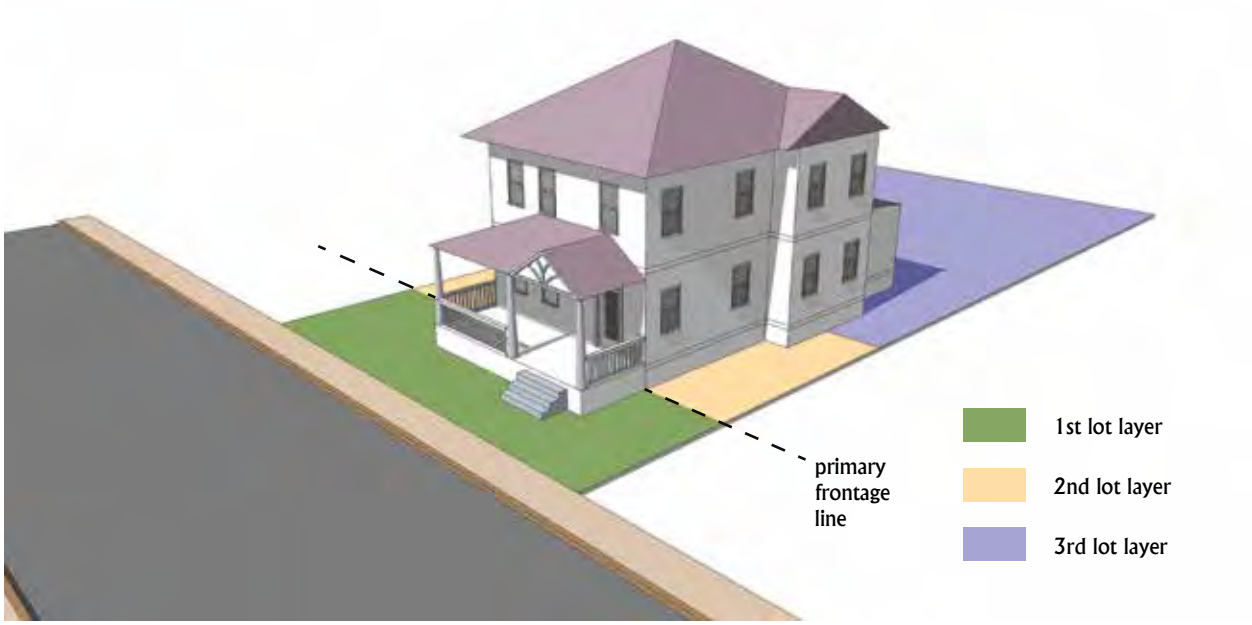
TABLE (13) FRONT YARD SETBACKS BY BLOCK

TABLE (14) FRONT FAÇADE MEASURES BY BLOCK

Street Name	Block Number	Average Façade Area (sq. ft.)
BARRIE ROAD	N/A	487
BEECHWOOD	N/A	756
BERKLEY	N/A	496
BRYNWOOD	N/A	205
CHESTNUT	00	490
CHESNUT	100	730
CHESTNUT	200	679
CHESTNUT	300	839
CONWAY	100	707
CONWAY	200	377
CONWAY	300	432
CONWAY	400	620
COUNTRY	N/A	699
DUDLEY	200	644
DUDLEY	300	397
DUDLEY	400	365
DUDLEY	500	270
ELM	N/A	609
ELMWOOD	00	683
ELMWOOD	100	764
FORREST	200	495
FOX HALL	N/A	540
GRAYLING	200	886
GRAYLING	300	536
GROVE	N/A	533
HAMPDEN	200	607
HANSEN	N/A	717
HAVERFORD	500	676
HOMEWOOD	N/A	656
IONA	200	481
LANGDON	N/A	495
LANTWYN	N/A	763
MEETING HOUSE	N/A	390
MERION	100	655
MERION	200	550
MERION	300	419
MONTGOMERY	1000	595
MONTGOMERY	1100	535
MONTGOMERY	1200	745
MONTGOMERY	1300	732
ESSEX (N)	200	594
ESSEX (N)	300	474
ESSEX (N)	400	683
ESSEX (N)	500/600	660
NARBERTH (N)	200	634
NARBERTH (N)	300	800
NARBERTH (N)	400	691
NARBERTH (S)	300	986
NARBROOK PARK	N/A	593
NARWYN	N/A	696
PRICE	100	472
PRICE	200	482
PRICE	300	504
ROCKLAND	100	529
SABINE	00	720
SABINE	200	430
SHIRLEY	N/A	336
SHIRLEY	N/A	639
STEPNEY	N/A	650
WAYNE	N/A	664
WILLIAMS	N/A	607
WINDSOR	00	503
WINDSOR	100	455
WOODBINE	00/100	401
WOODBINE	200	988
WOODSIDE	00	597
WOODSIDE	100	736
WOODSIDE	200	615
WOODSIDE	300	651
WOODSIDE	400/500	583
WYNNEDALE	N/A	629
WYNNEDALE	N/A	687
WYNNEWOOD	200	731
WYNNEWOOD	500	515
WYNNEWOOD CT	N/A	425

Diagram: Lot Layers

Explanation of Standards



The following instructions are not regulatory and are provided for informational purposes in application of the zoning standards.

Definition of **lot layer** (Article 12) – "An area of a lot defined by its distance and limit from the principal road."

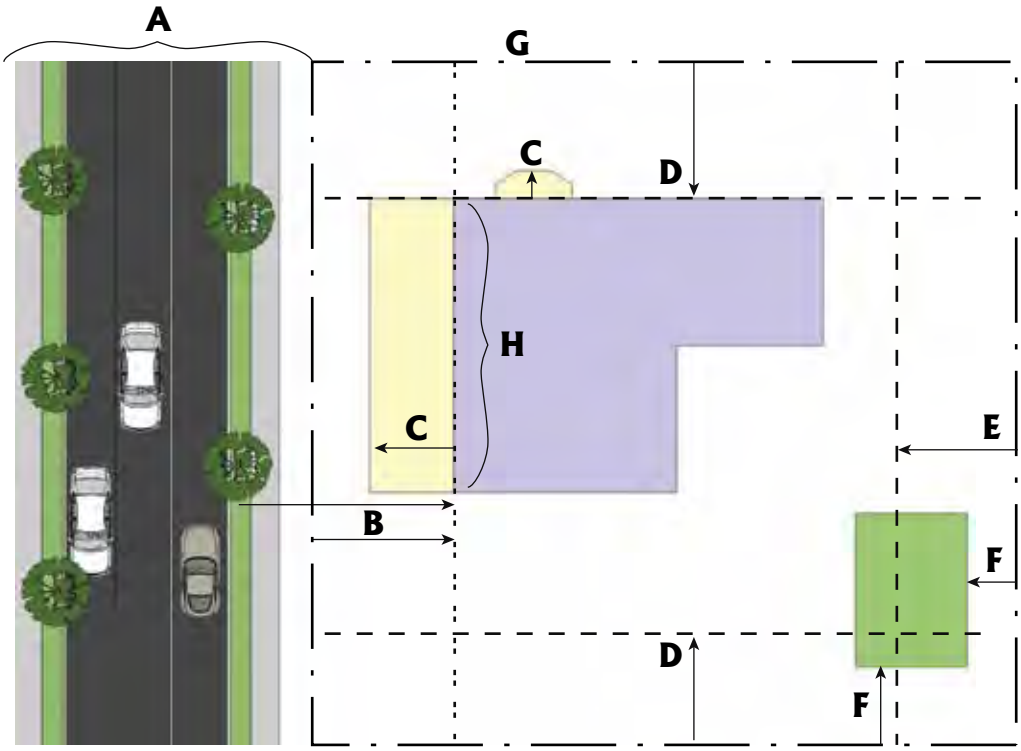
Lot layers help define the location of additions, parking, storage of trash, etc. depending on the district the property is located in. The first lot layer is a semi-private space usually reserved for front yards and porches in residential districts and sidewalks in commercial areas. Buildings are required to be built along the primary frontage line to frame and enclose public and semi-private spaces.

Article 5 Section 124-503 *Frontages*, specific to the 3a, 3b, 3c, and 4a zoning districts – "The first lot layer may not be paved except for driveways and paths for walking that connect the entrance of the principal building to the sidewalk".

Article 6 Section 124-601.B *Parking Design*, specific to the 3a, 3b, 3c, 4a zoning districts – "Parking may only be located in the second or third lot layer ".

Diagram: Site Planning for Mid-Block Lots

Explanation of Standards



Site Planning Standards for Mid-Block Lots

The following instructions are not regulatory and are provided for informational purposes.

A The legal right-of-way width varies depending on the street. Most rights-of-way are 50 feet wide.

B Because right-of-way widths vary, some districts measure the front yard setback from the curb and calculate the median of all examples on the block, while other districts measure from the edge of the road right-of-way. In almost all cases, the intent is for new structures to match the front setback of existing buildings on the block.

C Features like porches and bay windows may be located in setback areas and are called encroachments.

D Side yard setback for principal buildings.

E Rear yard setback for principal buildings.

F Side and rear yard setbacks for accessory buidlings are usually less than for principal buildings. Shared garages can even be built across property lines.

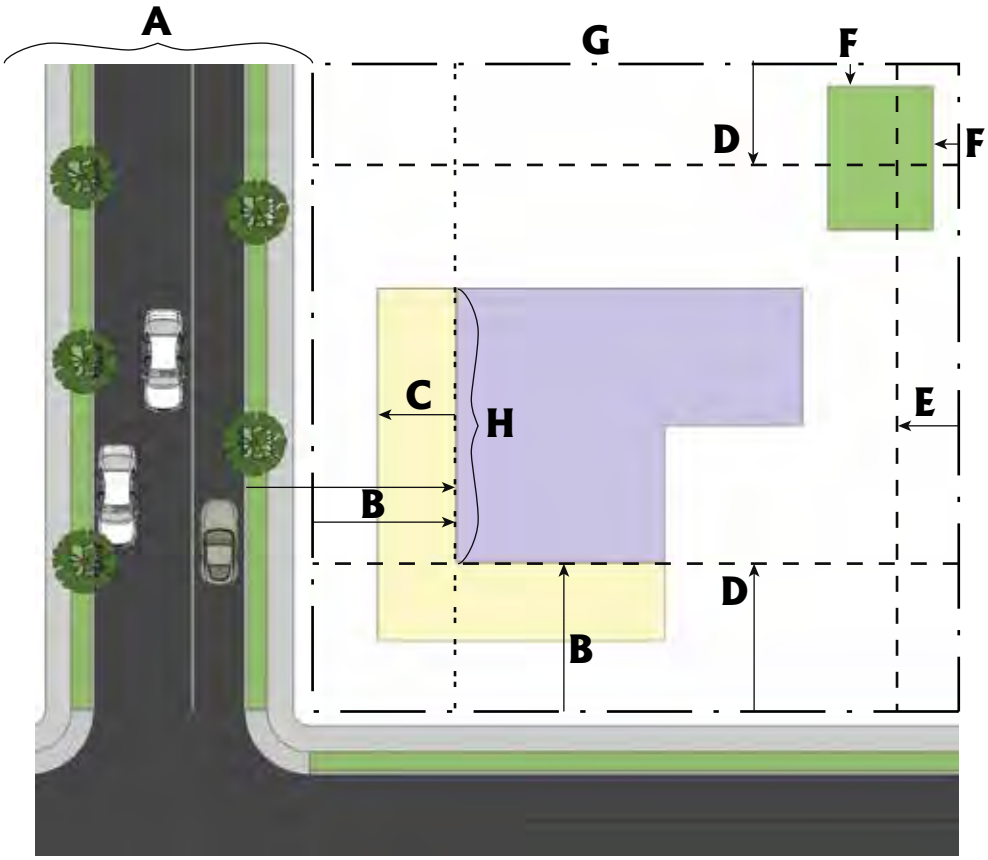
G Lot line.

H Frontage buildout is expressed as a minimum and maximum percentage of the primary frontage line that must be occupied by the principal building.

- Principal Building Footprint
- Encroachments
- Accessory Building Footprint
- Building Setback Line
- Primary Frontage Line

Diagram: Site Planning for Corner Lots

Explanation of Standards



Site Planning Standards for Corner Lots

A The legal right-of-way width varies depending on the street. Most rights-of-way are 50 feet wide.

B The primary facade should be set back according to front yard setback standards. The other facade facing the side street needs to comply with the front yard setback when other homes face the side street. When that isn't the case, a smaller side yard setback is all that is needed.

C Features like porches may be located in setback areas and are called encroachments.

D Front or side yard setback for the principal building depending on existing conditions on the block.

E Rear yard setback for principal buildings.

F Side and rear yard setbacks for accessory buildings are usually less than those of principal buildings. Shared garages can even be built across property lines.

G Lot line.

H Frontage buildout is expressed as a minimum and maximum percentage of the primary frontage line that must be occupied by the principal building.

The following instructions are not regulatory and are provided for informational purposes.

Which façade is the primary one?

Corner properties should face the street that others on the block do. This is usually the street for which the property is addressed. The other facade facing the side street should be set back as if it were a front yard when other homes face the side street. In cases where no homes face the side street, a smaller side yard setback is all that is needed.

- Principal Building Footprint
- Encroachments
- Accessory Building Footprint
- Building Setback Line
- Primary Frontage Line

Diagram: Front Façade

Explanation of Standards

The following instructions are not regulatory and are provided for informational purposes in application of the zoning standards.

Definition of **front facade** (Article 12) – "All above-ground exterior walls of a building that is set along the primary frontage line."

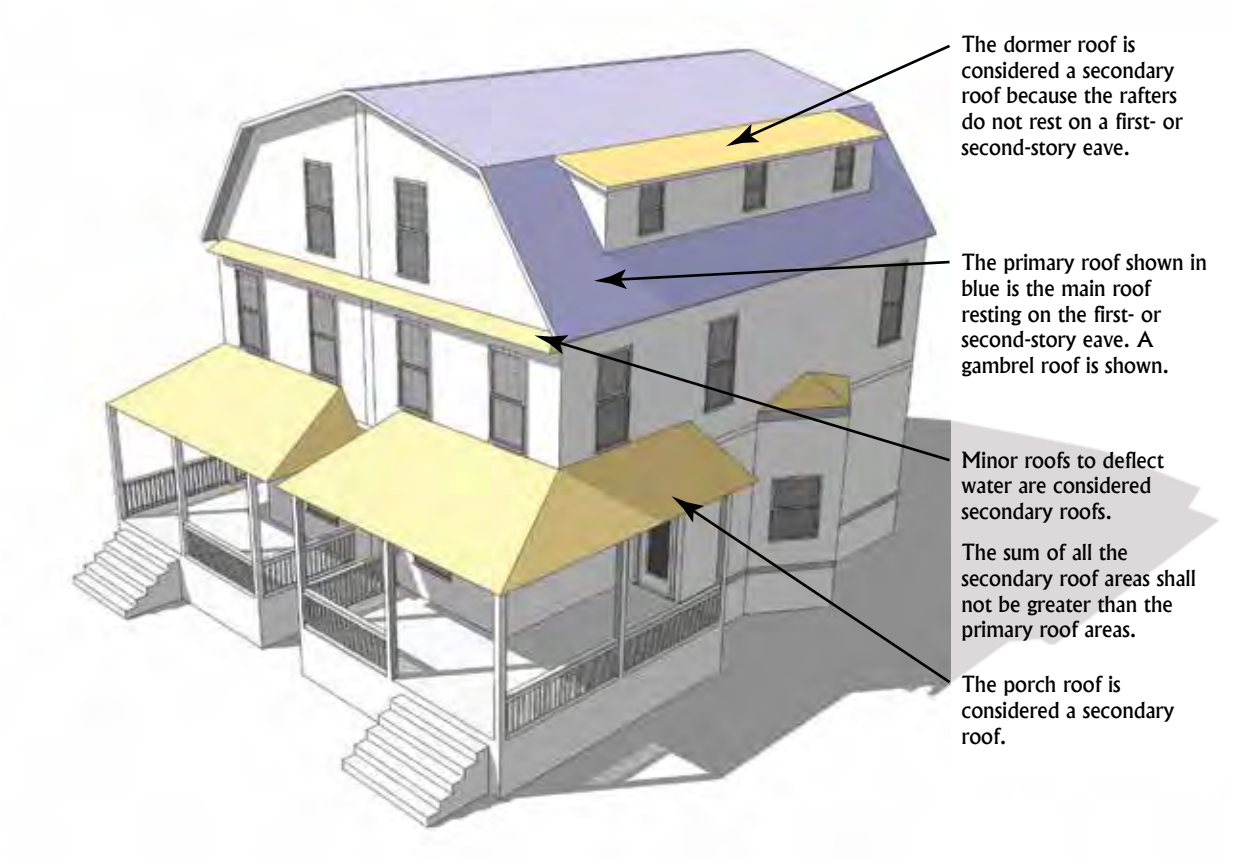
Definition of **primary frontage line** (Article 12) – "A line parallel or tangent to a street where the front façade is located at a distance equal to the front setback."

Article 5, Section 124-501.D *Front Facade* – Applicable only to detached house, twin house, and multifamily house building types located in the 3a, 3b, and 3c zoning districts. "The cumulative area of the front facade viewed as an elevation and including all exterior walls within 6 feet of a plane extending the width of the frontage upwards to the maximum building height permitted in each zoning district shall be within a range of 30% of the average of this area of all existing detached house, twin house, and multifamily house building types on the block."

Article 5, Section 124-502.B *Specific to Detached Building Type* – The ratio of openings to wall area in the front façade shall be a minimum of 20% and a maximum of 50%.

Diagram: Roofs

Explanation of Standards



The following instructions are not regulatory and are provided for informational purposes in application of the zoning standards.

Below is a summary of definitions and standards that may be applicable:

Definition of **primary roof** (Article 12) – "Any roof plane whose rafters rest on a load bearing exterior wall at the height of a first or second floor eave or overhanging a wall or porch."

Definition of **secondary roof** (Article 12) – "Any roof plane that is not a primary roof such as dormer or porch roofs."

Article 5, Section 124-501.C *Roofs on buildings*: "Specific to roofs on detached house, twin house, and multifamily house building types located in the 3a, 3b, and 3c zoning districts in the second lot layer."

Taller buildings with a ridge greater than 30 feet must have a more steeply pitched roof, with a minimum of 8 inches of rise for every foot of run.

When measuring the pitch of a gambrel roof, measure the rise as the distance from the eave to the highest ridge and the run from the highest ridge to the eave. Pitch equals a/b.

Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Borough of Narberth adopted since 12-8-1986, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for the disposition of prior legislation or any legislation not listed below.

§ DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
769	4-13-1987	Zoning amendment	Ch. 124
771	4-13-1987	Zoning amendment	Ch. 124
773	5-11-1987	Zoning amendment	Ch. 124
774	5-11-1987	Zoning amendment	Ch. 124
775	5-11-1987	Zoning amendment	Ch. 124
834	11-11-1996	Zoning amendment	Ch. 124
841	8-11-1997	Zoning amendment	Ch. 124
850	3-9-1998	Zoning amendment	Ch. 124
873	10-9-2000	Zoning amendment	Ch. 124
880	10-8-2001	Zoning amendment	Ch. 124
918	6-12-2006	Zoning amendment	Ch. 124
919	9-11-2006	Zoning amendment	Ch. 124
920	9-11-2006	Zoning amendment	Ch. 124
935	1-19-2011	Zoning amendment	Ch. 124