

Chapter 205. Zoning

Article XV. I Industrial District

§ 205-71. Regulations to apply.

[Amended 7-26-2011 by Ord. No. 538]

A. The following legislative intent shall be established for the provision of billboards within the I Industrial District:

- (1) The regulations herein are designed to prevent the over concentration, improper placement, and excessive height, bulk, number and area of billboards. It is recognized that, unlike on-premises signs which are actually a part of a business, billboards are a separate and distinct use of the public thoroughfare.
- (2) It is intended that billboards be regulated to protect the character of the area in which billboards are located and to conserve property values in the area.
- (3) The Board of Supervisors of East Norriton Township hereby finds that billboards may be allowed in limited areas, but that a proliferation of such use endangers the Township relative to public safety and its neighborhoods of visual blight. Billboards, with their potential periodically changing content, present special aesthetic and traffic safety problems to the traveling public.

B. In an I Industrial District, the following regulations shall apply.

§ 205-72. Permitted uses.

A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

A. Heavy commercial uses as follows:

[Amended 2-25-2014 by Ord. No. 550; 10-27-2015 by Ord. No. 566]

- (1) Wholesale business establishments.
- (2) Distribution stations; express, carting or hauling stations; and package delivery services.
- (3) Repair and maintenance of office equipment, computers, electronic products and household items.
- (4) Monument yards.
- (5) Printing, publishing, lithographic and similar establishments.
- (6) Storage or warehouses and packing and crating.
- (7) Wireless telecommunications facilities, subject to Article **XXIX** of this chapter.

- (8) General services, including plumbing or other building supplies, provided that such storage of product or merchandise shall be within a fully enclosed building, and further excluding interior or exterior storage and sale of coal, petroleum distillates or highly flammable materials of any kind.
- (9) Laboratories for scientific, medical, agricultural or light industrial research and development, training or product development, and manufacturing, after review and approval from the Board of Supervisors.
- (10) Communications stations, studios, transmitting facilities and antennas/towers.
- (11) Yards for storage, sale and distribution of ice, coal, fuel oil or building materials, but not including junkyards, salvage, automobile or other wrecking yards.
- (12) Metalworking, extrusion of small metals, welding, plating, laundering, cleaning and dyeing, excluding bleaching, when proposed as a principal use in a building or on a lot.
- (13) Public and private utility facility.
- (14) Art studios that incorporate production, display, and sales.
- (15) Municipal uses and police stations.
- (16) Fire stations and ambulance stations that are occupied by a provider designated by the East Norriton Township Board of Supervisors to provide fire or ambulance service to East Norriton Township.
- (17) Community centers, indoor and outdoor recreational facilities.

B. The following uses when authorized as special exceptions:

[Amended 2-25-2014 by Ord. No. 550; 10-27-2015 by Ord. No. 566]

- (1) Adult bookstores, adult motion-picture theaters, adult entertainment cabarets or massage parlors.
- (2) Limited personal service establishments as described in § **205-22.4**.
- (3) Any use of the same general character as any permitted use.

C. Manufacturing or processing as follows:

[Amended 10-27-2015 by Ord. No. 566]

Art needlework

Assembly of computer products, components and electrical equipment,

Bottling establishments

Carpet and rug cleaning

Combining or processing of food products, excluding meat and fish

Creameries

Manufacture of beverages (nonalcoholic), ceramic products, clothing, cosmetics, electrical appliances, electrical supplies, ice cream, silverware, tobacco products, tools and hardware, toys and umbrellas

Manufacture of jewelry, watches, clocks, optical goods, musical, professional and scientific instruments

Manufacture and assemblage of products from the following prepared materials: bone, canvas, cork, feathers, felt, fur, glass, hair, horn, leather, paper, plastics, shells, small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing and wood processing)

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment

Mirror silvering and glass cutting

Products from previously prepared paper, rubber and plastic products
Textile manufacture or processing, excluding bleaching
Tool, dye and patternmaking and other similar machine shops
Upholstering, bulk
Medical and dental equipment
Microbreweries
Pharmaceutical goods
Photographic reproduction and films
Studios for the production, display, and sale of art

- D. The following uses, notwithstanding production operated as artisanal manufacturing, shall not be permitted:
[Amended 7-26-2011 by Ord. No. 538; 10-27-2015 by Ord. No. 566]

Abattoirs and meat-processing plants
Acetylene gas manufacture
Acid manufacture
Ammonia bleaching powder or chlorine manufacture
Arsenal
Asphalt manufacture or refining
Auto dismantling or junk establishments
Brewery
Candle manufacture
Celluloid manufacture
Coke ovens
Creosote treatment or manufacture
Dead animal and offal reduction
Disinfectants manufacture
Distillation of bones, coal or wood
Dyestuff manufacture
Emery cloth and sandpaper manufacture
Extermination and insect poison, fungicide and herbicide manufacture
Fat rendering
Fertilizer manufacture
Fireworks or explosive manufacture or storage
Fish smoking and curing
Forging
Glue, size or gelatin manufacture
Lampblack manufacture
Manufacture or storage of illuminating gas
Match manufacture
Oilcloth or linoleum manufacture
Oiled or rubber goods manufacture
Ore reduction
Paint, oil, shellac, turpentine or varnish manufacture
Petroleum refining or storage, except when an accessory use to a permitted industrial use

Potash works
 Printing ink manufacture
 Pyroxylin manufacture
 Quarrying
 Ready-mixed concrete or cement works
 Rolling mill
 Rubber caoutchouc or gutta-percha manufacture or treatment
 Saltworks
 Sauerkraut manufacture
 Shoe-blackening manufacture
 Smelters and metal casting
 Soap manufacture
 Soda and compound manufacture
 Solid waste transfer station
 Solvent manufacture or processing
 Stockyards
 Stove polish manufacture
 Sulphuric, nitric or hydrochloric acid manufacture
 Tallow, grease or lard manufacture or refining
 Tanning, curing or storage of leather, rawhide or skins
 Tar distillation or manufacture
 Tar roofing or waterproofing manufacture
 Vinegar manufacture
 Wool pulling or scouring
 Yeast plant
 Any use similar or related to the above nonpermitted uses

E. Any uses of the same general character as any of the above permitted uses when authorized as special exceptions by the Zoning Hearing Board, provided that such uses shall not create any danger to health or safety in the surrounding area or any amount of offensive noise, vibration, smoke, dust, odor, heat, illumination or other objectionable influences.

F. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including fencing in accordance with § **205-24**.^[1]

[1] *Editor's Note: Former § 205-24, Fences, was repealed 12-23-2008 by Ord. No. 512. See now § 205-22.3.*

G. The above uses are permitted only when meeting the following conditions:

- (1) No kiln is fired except by oil, gas or electricity, and no individual kiln capacity exceeds 200 cubic feet.
- (2) No blast or reverberatory furnaces or foundries are used.
- (3) No punch or stamping presses are used until the type, size or use is first approved, authorized and permitted as a special exception by the Zoning Hearing Board.
- (4) No drop hammers are used and no blasting permitted.

H. Construction/demolition waste landfills when proposed, operated and maintained in accordance with § **205-72.1** of this article and when authorized by conditional use in accordance with § **205-72.2** of this article.

[Amended 12-23-2008 by Ord. No. 512; 4-28-2009 by Ord. No. 515; 1-3-2011 by Ord. No. 533]

- I. Solar and wind-power energy devices shall be permitted in multiple numbers as a principal use and shall comply with all applicable yards, setbacks, and zoning standards that would apply to an industrial building.

[Added 1-3-2011 by Ord. No. 533]

- J. Billboards subject to the following specific standards and regulations:

[Added 7-26-2011 by Ord. No. 538]

- (1) In addition to uses permitted, billboards along with their required support structures shall be permitted on properties having at least one acre in size which shall provide frontage along West Germantown Pike or Trooper Road and shall meet all of the following criteria. Only freestanding billboard sign structures shall be permitted. Such billboard structures shall be permitted to have one sign face visible from any direction and in no event shall there be more than two sign faces. No individual sign face shall exceed a maximum of 200 square feet per face.
- (2) Height. The maximum overall height of a billboard sign structure shall not exceed 25 feet measured from the elevation of the center line of the grade of the road directly in front of the billboard sign to the highest portion of the sign structure.
- (3) Yard setbacks.
 - (a) No billboard sign structure or any part thereof shall be erected or maintained within 25 feet of any ultimate right-of-way of a public street or road or the side or rear lot line of an individual property.
 - (b) No billboard sign structure or any part thereof shall be erected or maintained within 200 feet of the perimeter of an AR, BR, BR-1, or CR Residential District.
- (4) No billboard sign structure shall be erected or maintained within 500 feet of any other billboard sign structure.
- (5) The image, copy, or message of a billboard shall not change more frequently than once per 30 seconds. The change of an image, message, copy, color or brilliance of a billboard shall be instantaneous. All changeable copy on a billboard shall change uniformly and completely. Once changed, the copy of any part of the billboard shall not change again in less than 30 seconds.
 - (a) No image shall be transferred by any means beyond the perimeter of the billboard sign face.
 - (b) Billboards having internal illuminance shall have a pixel pitch or equivalent resolution of not greater than 12 millimeters. The light source shall be equipped to automatically adjust brilliance levels based on ambient light conditions. White or light color backgrounds shall not exceed 50% of the surface area of the sign face of the billboard.
 - (c) No sign image shall be interactive, display interactive messages or three-dimensional images; nor shall any sign or any part of a billboard structure produce sound of any kind.
 - (d) No billboard sign shall flash, scroll, fade, revolve, move, have intermittent lighting or movable characters or animated parts.
 - (e) Billboards having floodlighting shall be so shielded that the source of the light shall not be visible from any point off the lot on which the sign is erected and so that only the sign is directly illuminated thereby.
- (6) Maintenance. Every billboard sign and support structure shall be constructed of durable materials and kept in good condition and repaired at all times.

§ 205-72.1. Construction/demolition waste landfills.

[Amended 1-3-2011 by Ord. No. 533]

- A. This section shall be known and may be cited as the "East Norriton Township Ordinance for Licensing and Regulation of Construction/Demolition Waste Landfills."
- B. Definitions and word usage.
 - (1) Unless otherwise expressly stated, the following words and phrases in this section, whether capitalized or in lowercase letters, shall have the following meanings.

ACT

The Act of July 7, 1980 (P.L. 380, No. 97),^[1] known as the "Solid Waste Management Act."

BOARD

The Board of Supervisors of East Norriton Township.

CONSTRUCTION/DEMOLITION WASTE

Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill:

- (a) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete.
- (b) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

CONSTRUCTION/DEMOLITION WASTE LANDFILL

A facility using land exclusively for the disposal of construction/demolition waste. The term includes land affected during the lifetime of the operations, including, but not limited to, areas where disposal activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to the operation of the facility. This term is also referred to as "landfill" in this section.

DEPARTMENT

The Department of Environmental Protection of the Commonwealth of Pennsylvania and its authorized representatives.

LICENSEE

A person who possesses a permit from the Department and a license from East Norriton Township to construct and/or operate a construction/demolition waste landfill.

PERMITTEE

A person who possesses a permit to dispose of construction/demolition waste into the earth pursuant to the Act.

PERSON

Includes an individual, a corporation, a partnership or other legal entity, and any unincorporated association, and shall include both singular and plural.

TOWNSHIP

The Township of East Norriton, Montgomery County, Pennsylvania.

TOWNSHIP ADMINISTRATION

The Board of Supervisors, Township Manager, Secretary/Treasurer, Engineer, Solicitor, Zoning Officer, Permit Officer or any other person designated by the Board of Supervisors

to administer, police, enforce and prosecute any violation of this or any ordinance of the Township.

[1] *Editor's Note: See 35 P.S. § 6018.101 et seq.*

- (2) In this section, the singular shall include the plural, and the masculine shall include the feminine and neuter.

C. License required.

- (1) No person shall maintain or continue to maintain, whether for commercial purposes or otherwise, any place within the Township for disposing construction/demolition waste unless such place is licensed by the Board as a construction/demolition waste landfill. Licensing shall be completed only after a permit to operate a construction/demolition waste landfill has been issued by the Department pursuant to the Act and an application for a license is submitted to and approved by the Board. An application for such license shall contain the following information:
 - (a) The name and address of the applicant.
 - (b) A plan drawn to scale indicating by metes and bounds the land upon which the construction/demolition waste landfill is to be maintained and the permit for the operation of the construction/demolition waste landfill issued by the Department.
 - (c) A list of equipment available for use in maintaining the landfill site.
 - (d) The name and address of each individual, directly responsible to the licensee, who shall be present at and in charge of the landfill site at all times during operation of the landfill.
 - (e) Certificate of insurance, including liability for pollution, together with a copy of insurance policy satisfactory to the Board.
- (2) All applications shall be reviewed by the Board or its designee for completeness within 60 days of receipt of such application. All applications shall be acted upon by the Board within 90 days after an application is deemed complete. No license shall be effective until approved by the Board at a regular meeting.

D. Escrow.

[Amended 10-27-2015 by Ord. No. 566]

- (1) No license shall be issued, or effective, unless there is on file with the Township financial security in a form and amount acceptable to the Township to assure:
 - (a) That the licensee, licensee's agents and servants shall comply with all the terms, conditions, provisions, requirements and specifications contained in this section.
 - (b) That the licensee, licensee's agents and servants shall hold harmless the Township from any expense incurred through the failure of the licensee, licensee's agents and servants to operate and maintain the construction/demolition waste landfill as required by this section, including any expense the Township may be put to for correcting any condition or violation of this section by the Township's own labor and equipment, whenever the Township administration determines it is necessary for the Township to correct any condition in violation of this section or from any damages growing out of the negligence of the licensee, a permittee or their respective agents or servants.
- (2) Before acceptance, all financial security shall be approved by the Township. If a cash escrow is offered, it shall be deposited with the Township, which shall give an official receipt therefor, reciting that said cash has been deposited in compliance with and subject to the provisions of this section.

E. Term of license. A license issued for a construction/demolition waste landfill hereunder shall be valid for the calendar year for which it is issued and upon application may be renewed on a year-to-year basis thereafter.

- F. Revocation and refusal. The Board may revoke or refuse any license previously issued for the operation of a construction/demolition waste landfill if the Board finds, after reasonable investigation, that the landfill has been operated in violation of the regulations set forth in this section, or any other section of the Township, or any pertinent laws or regulations of the Commonwealth of Pennsylvania or of the United States of America.
- G. License fee. The license fee for the operation of a construction/demolition waste landfill shall be established by resolution of the Board, which resolution shall set forth such fee for each calendar year or for each month or portion thereof in the case of a licensee for less than a calendar year, payable in full at the time of application.
- H. Regulations. All operation and maintenance of any construction/demolition waste landfill shall comply with the following rules and regulations:
- (1) Any person may submit an application for a permit to operate a construction/demolition waste landfill in two phases, known as "Phase I" and "Phase II," in accordance with the provisions of 25 Pa. Code § 277.101. Such applications must be submitted to the Department in accordance with the applicable regulations under the Act.
 - (2) All Phase I applications shall conform to the requirements of 25 Pa. Code §§ 277.111 through 277.120.
 - (3) All Phase II applications must conform to the following requirements:
 - (a) General Provisions: 25 Pa. Code §§ 277.131 through 277.138.
 - (b) Cover and Revegetation: 25 Pa. Code §§ 277.141 and 277.142.
 - (c) Water Quality Protection and Monitoring: 25 Pa. Code §§ 277.151 and 277.152.
 - (d) Liners and Leachate Management: 25 Pa. Code §§ 277.161 through 277.164.
 - (e) Gas Management: 25 Pa. Code § 277.171.
 - (f) Emergency Planning: 25 Pa. Code § 277.181.
 - (g) Closure Provisions: 25 Pa. Code §§ 277.191 and 277.192.
 - (4) All construction/demolition waste landfills shall conform to the following operating requirements:
 - (a) General Provisions: 25 Pa. Code §§ 277.201 through 277.203.
 - (b) Daily Operations: 25 Pa. Code §§ 277.211 through 277.220.
 - (c) Cover and Revegetation: 25 Pa. Code §§ 277.231 through 277.235.
 - (d) Water Quality Protection: 25 Pa. Code §§ 277.241 through 277.246.
 - (e) Liner System: 25 Pa. Code §§ 277.251 through 277.260.
 - (f) Leachate Treatment: 25 Pa. Code §§ 277.271 through 277.277.
 - (g) Water Quality Monitoring: 25 Pa. Code §§ 277.281 through 277.288.
 - (h) Minerals and Gas: 25 Pa. Code §§ 277.291 and 277.292.
 - (i) Emergency Procedures: 25 Pa. Code §§ 277.301 through 277.303.
 - (j) Recordkeeping and Reporting: 25 Pa. Code §§ 277.311 and 277.312.
 - (k) Closure Provisions: 25 Pa. Code §§ 277.321 and 277.322.
 - (5) The provisions set forth above regarding applications and operating requirements shall be in addition to any applicable requirements set forth in 25 Pa. Code Chapter 271 relating to

municipal waste management insofar as they relate to the operation of a construction/demolition waste landfill.

- (6) The Township reserves the right to impose more stringent requirements than those placed upon a person under any applicable provision or regulation set forth above.
- (7) The licensee shall only accept construction/demolition waste that has first been processed at a transfer station permitted by the Department to process such waste.
- (8) To the extent not provided for in the regulations under the Act, all persons licensed to operate a construction/demolition waste landfill shall also comply with the following:
 - (a) The licensee shall comply with all pertinent laws and regulations of the Commonwealth of Pennsylvania and of the United States of America or any department, agency or authority thereof.
 - (b) The licensee shall comply with all applicable requirements of any Township zoning, subdivision or land development ordinance.
 - (c) The licensee shall name the Township as an additional beneficiary on any financial assurance instrument required to be submitted to the Department.
[Amended 10-27-2015 by Ord. No. 566]
 - (d) An attendant, who shall be a competent adult individual directly responsible to the licensee, shall be present at and in charge of the landfill at all times during operation.
 - (e) A daily register shall be kept containing the full name and address of each person bringing construction/demolition waste to the landfill, containing the license number of any vehicle involved, specifying the type and quantity of construction/demolition waste, place of origin of such waste and the weight of each individual load of waste.
 - (f) The daily register required in Subsection **H(8)(e)** above shall be open to inspection by the Board or its duly authorized representative at all times during business hours.
 - (g) The Township administration shall have the right to enter the landfill during hours of normal operation to determine whether the licensee is complying with all requirements of this section. Any unreasonable delay in allowing access to the landfill shall constitute a violation of this section.
 - (h) Except in the case of any emergency because of adverse weather conditions, in which case reasonable notice shall be given to the Township, the hours of operation of the landfill shall be restricted to 7:00 a.m. until 5:00 p.m. Monday through Friday, except that there shall be no operation of the landfill on officially recognized federal or state holidays.
 - (i) The property on which the landfill is located shall be enclosed by fencing and vegetation screening as provided by Chapter **175**, Subdivision and Land Development (regardless of whether or not subdivision or land development review is required), and closed by a locked gate at each entrance and exit when the landfill is not open or in operation.
 - (j) There shall be no fires or burning of any waste at the landfill site.
 - (k) There shall be no uncovered material at the landfill site at the close of each working day.
 - (l) The licensee shall provide to the Board the results of any and all tests which are conducted voluntarily or required by the Department and/or the United States Environmental Protection Agency.
 - (m) The licensee shall remove and clean any material spilled upon any public or private road or property within the Township from any vehicle carrying material to the landfill within 24 hours and shall have equipment and personnel available at all times for such cleaning and removal. The Township specifically reserves the right to remove and clean any such material at any time, including within the twenty-four-hour time period. If the Township

takes any such action under this subsection, the licensee shall be fully responsible for all charges incurred by the Township.

- (n) The licensee shall prevent any material disposed, stored or treated at its landfill from blowing, leaking, seeping or otherwise escaping the construction/demolition waste landfill onto any other public or private property in the Township. In the event of a violation of this regulation, and in addition to the other penalties provided herein, the licensee shall remove and/or clean any such material within 24 hours unless prevented from doing so in an emergency caused by adverse weather conditions. If such adverse weather conditions exist, the licensee shall remove and/or clean such material as soon as conditions permit.
 - (o) All vehicles transporting construction/demolition waste to a construction/demolition waste landfill within the Township shall utilize only such public roads or streets as shall be designated by the Board.
 - (p) All vehicles must have valid permits issued by the Township to gain entrance into the landfill. The form of such permits shall be subject to the approval of the Township Manager and shall be issued on a calendar-year basis. Such permits shall be issued for \$50 and shall fully identify the vehicle and its operator or operators. All vehicles and vehicle operators shall conform to all Department requirements applicable to the transport of construction/demolition waste.
 - (q) All vehicles entering the landfill shall check in with the attendant, present a valid permit and notify the attendant of the type, quantity and source of the material being disposed of at the landfill.
 - (r) Traffic within the landfill shall be restricted to roads established for the landfill operation only, and such roads shall be paved in such a manner to prevent any dust, dirt or other material caused by such traffic from blowing or migrating onto any other public or private property in the Township.
 - (s) Removal of material from the landfill is prohibited.
 - (t) Persons under 18 years of age must remain in vehicles on landfill property.
 - (u) Bare feet are not allowed on landfill property.
 - (v) The speed limit on landfill roads is 10 miles per hour.
 - (w) Signs must be posted in conspicuous locations around the landfill, including the landfill entrance, which shall state, at a minimum, the hours of operation and the permitted uses of the landfill.
 - (x) The licensee shall install and maintain any signs or warning signs deemed necessary by the Township in connection with the operation of the landfill.
- I. Hazardous substances; hazardous waste. No person shall dispose of any hazardous substance or hazardous waste or any material containing any hazardous substance or hazardous waste in any construction/demolition waste landfill in the Township. The terms "hazardous substance" and "hazardous waste" as used in this section shall be interpreted in accordance with their definitions in 42 U.S.C. § 6901 et seq. and 42 U.S.C. § 9601 et seq.
 - J. Fees. A written schedule of fees, including, but not limited to, host and license fees imposed by the Township for use of the landfill shall be established by resolution of the Board. No person shall use the landfill without paying all applicable fees.
 - K. Removal. Any person violating this section or the directions of the licensee's attendant shall, in addition to all other applicable penalties, remove all unacceptable material or pay the Township the cost of such removal.
 - L. Dumping refuse, garbage or other material.

- (1) It shall be unlawful to dump or dispose of any waste material other than construction/demolition waste into any landfill in the Township. Notwithstanding this provision or any other provision in this section, nothing shall preclude a construction/demolition landfill from accepting the following, if they are separate from other waste and are used as clean fill, so long as the acceptance of such material does not conflict with any regulation of the Department:
 - (a) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete.
 - (b) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material:
 - (2) All provisions of this section governing construction/demolition waste shall also be fully applicable to the foregoing material.
- M. Enforcement. The Township administration shall be charged with the enforcement of this section and shall make any inspection necessary to that end.
- N. Violations and penalties. Any person who violates any of the provisions of this section shall, upon conviction thereof, in addition to any other charges or penalties imposed by this section, pay a fine of not more than \$1,000, in addition to any other costs allowed by law. A separate and distinct offense shall be deemed to have been committed for each day such violation exists. Nothing shall preclude the Township from imposing any other penalty for any violation if authorized by federal or state law.

§ 205-72.2. Conditional use procedures for construction/demolition waste landfills.

[Added 1-3-2011 by Ord. No. 533]

- A. Any person seeking to operate a construction/demolition waste landfill pursuant to § **205-72.1** must file an application for such use pursuant to § **205-137.1**.
- B. In addition to complying with the procedures set forth in § **205-137.1**, any person seeking to operate a construction/demolition waste landfill pursuant to § 205.72.1 shall also demonstrate compliance with each of the following requirements by a fair preponderance of credible evidence as part of its request for conditional use:
- (1) Floodplain. The construction/demolition waste landfill will not be located in the one-hundred-year floodplain of waters of this commonwealth.
 - (2) Wetland.
 - (a) The construction/demolition waste landfill will not be located in or within 300 feet of an exceptional value wetland, as defined in 25 Pa. Code § 105.17 (relating to wetlands).
 - (b) The construction/demolition waste landfill will not be located in or within 100 feet of a wetland other than an exceptional value wetland, unless storage, processing and disposal will not occur within that distance and one of the following applies:
 - [1] If the operation is in or along the wetland, the operator has received a permit from the Pennsylvania Department of Environmental Protection under 25 Pa. Code, Chapter **105** (relating to dam safety and waterway management).
 - [2] If the operation is not in or along the wetland, no adverse hydrologic or water quality impacts will result.
 - (3) Valley, ravine or head of hollow. The construction/demolition waste landfill will not be located in a valley, ravine or head of hollow where the operation would result in the elimination, pollution or destruction of a portion of a perennial stream.

- (4) Limestone or carbonate formation. The construction/demolition waste landfill will not be located in areas underlain by limestone or carbonate formations where the formations are greater than five feet in thickness and present at the topmost geological unit. The areas include an area mapped by the Pennsylvania Geological Survey as underlain by these formations, unless competent geologic studies demonstrate the absence of limestone and carbonate formations under the site.
- (5) Occupied dwelling (existing facility). Except as provided in Subsection **B(6)** and **(7)**, the construction/demolition waste landfill will not be located within 300 feet measured horizontally from an occupied dwelling, unless the current owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 feet. Except as provided in Subsection **B(6)** and **(7)**, the disposal area of the construction/demolition waste landfill will not be within 500 feet measured horizontally from an occupied dwelling, unless the current owner has provided a written waiver consenting to the disposal area being closer than 500 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the current owner.
- (6) Occupied dwelling (expansion). For a permitted construction/demolition waste landfill that was operating and not closed as of December 23, 2000, an expansion permitted on or after December 23, 2000, may not be operated within 900 feet measured horizontally from an occupied dwelling, unless one or both of the following conditions are met:
 - (a) The owner of the dwelling has provided a written waiver consenting to the facility or disposal area being closer than 900 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.
 - (b) The applicant owned or entered into an enforceable option contract to purchase the land on which the expansion would operate on or before December 23, 2000, and still holds the option rights, still owns the land or owns the land pursuant to the option rights contract when the permit expansion is issued. Even if the requirement of this Subsection **B(6)(b)** is met, the expansion may not be operated within 300 feet measured horizontally from an occupied dwelling, and the disposal area may not be within 500 feet measured horizontally from an occupied dwelling.
- (7) Occupied dwelling (new landfill). A new construction/demolition waste landfill permitted on or after December 23, 2000, may not be located within 900 feet measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 900 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner. A closed landfill that submits an application to reopen and expand shall also be subject to this Subsection **B(7)**.
- (8) Occupied dwelling (access road). Notwithstanding the prohibitions in Subsection **B(6)** and **(7)**, an access road to a construction/demolition waste landfill may not be located within 300 feet measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the access road being closer than 300 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.
- (9) Perennial stream. The construction/demolition waste landfill will not be located within 100 feet of a perennial stream, unless storage, processing and disposal will not occur within that distance and no adverse hydrologic or water quality impacts will result.
- (10) Property line. The construction/demolition waste landfill will not be located within 100 feet of a property line, unless one of the following applies:
 - (a) Actual disposal of waste will not occur within that distance.
 - (b) The current owner has provided a written waiver consenting to the facility being closer than 100 feet. The waiver shall be knowingly made and separate from a lease or deed

unless the lease or deed contains an explicit waiver from the current owner.

- (11) Water source. The construction/demolition waste landfill will not be located within 1/4 mile upgradient, and within 300 feet downgradient, of a public or private water source for disposal, processing and storage areas.
- (12) School, park or playground. For a construction/demolition waste landfill permit issued on or after December 23, 2000, other than an expansion of a construction/demolition waste landfill that was permitted prior to December 23, 2000, a construction/demolition waste landfill will not be located within 300 yards of:
 - (a) A building which is owned by a school district or school and used for instructional purposes.
 - (b) A park.
 - (c) A playground.
- (13) Traffic impact study.
 - (a) A traffic impact study shall be required for any proposed construction/demolition waste landfill. Such study shall enable the Board to assess the likely impact of the construction/demolition waste landfill in the various components of the transportation system in the Township. The purpose of said study shall be to identify any traffic problems which may result from the construction/demolition waste landfill, and to determine its impact on public transportation and pedestrian and nonvehicular circulation in the area. The applicant shall retain a qualified professional traffic engineer to prepare the traffic impact study.
 - (b) The study area shall be the road network as defined by the traffic engineer, which represents the area that is likely to be affected (from a traffic impact standpoint) by the construction/demolition waste landfill. Prior to identifying the study area, the traffic engineer shall discuss possible study area boundaries with the applicant and the Township. Specific intersections to be included in the study shall be mutually agreed upon prior to initiating work.
- (14) Obstruction. For areas permitted on or after December 23, 2000, a construction/demolition waste landfill will not be located in a manner in which any portion of the landfill would be an obstruction to air navigation under 14 CFR 77.23(a)(5) (relating to standards for determining obstructions).

§ 205-73. Smoke control.

- A. No smoke shall be emitted from any chimney or other source visible gray greater than No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.
- B. Smoke of a shade not darker than No. 2 on the Ringelmann Smoke Chart may be emitted for not more than four minutes in any 30 minutes.
- C. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

§ 205-74. Emission control.

- A. No emission shall be made which can cause any damage to health, animals or vegetation or other form of property or which can cause any excessive soiling at any point.

- B. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grain per cubic foot of the covering gas at any point.
- C. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air.

§ 205-75. Noise control.

At no point on the boundary of a residential or commercial district shall the sound-pressure level of any operation exceed the described levels in the designated octave bands shown below for the districts indicated.

Octave Band (cycles per second)	Sound Levels	
	Along Residential District Boundaries	At any Other Point on the Lot Boundary
	Maximum Permitted Sound Level (decibels)	Maximum Permitted Sound Level (decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

§ 205-76. Control of odors.

There shall be no emission of odorous matter in such quantities as to be offensive along a lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual, copyright 1951, by the Manufacturing Chemists Association, Inc., Washington D.C., or the latest revised edition thereof.

§ 205-77. Control of glare and heat.

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point along the lot lines.

§ 205-78. Control of vibration.

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point on the lot line.

§ 205-79. Radioactivity or electrical disturbances.

There shall be no activities which emit dangerous radioactivity at any point. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point or any equipment other than that of the creator of such disturbance.

§ 205-80. Outdoor storage of materials; disposal.

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground; provided, however, that tanks or drums of fuel are excluded from this provision.
- B. All outdoor storage facilities for fuel, raw materials and products stored outdoors shall be concealed from any adjacent properties.
- C. No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.
- D. All materials or wastes which might cause fumes or dust which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors in closed containers.

§ 205-81. through § 205-83. (Reserved)

[1] *Editor's Note: Former §§ 205-81, Power service lines, 205-82, Waste disposal, and 205-83, Water requirements, were repealed 4-28-2009 by Ord. No. 515.*

§ 205-84. General regulations.

- A. Lot area. The lot area shall be a minimum of 80,000 square feet, and a lot width of not less than 200 feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district.
- B. Building area. No more than 40% of the lot area shall be occupied by buildings.
- C. Front yard. The minimum required depth of the front yard shall be 50 feet measured from the ultimate right-of-way line.
- D. Side yards. There shall be two side yards, each of which shall not be less than 30 feet in width.
- E. Rear yard. The required minimum depth of the rear yard shall not be less than 50 feet.
- F. In no case shall any building or structure erected or used in an I Industrial District be located closer than 200 feet to any residential or institutional zoning district, nor any parking area be closer than 100 feet to any residential or institutional zoning district.
- G. Height regulation. The maximum height of any building or structure shall be 35 feet.
- H. Parking. All off-street parking and loading areas shall be provided for in accordance with Article **XVIII** of this chapter.
- I. Lighting. Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties, whether contiguous or not, from unreasonable direct glare or hazardous interference of any kind.
- J. Signs. Signs shall be permitted only in accordance with the provisions of Article **XIX** of this chapter.
- K. Landscaping, including conservation of existing trees and woodlands, street trees, stormwater basin landscaping and site element screens, shall be provided in accordance with the provisions of Chapter **175**, Subdivision and Land Development.

§ 205-85. Adult uses.

A. Restrictions.

- (1) No such adult uses shall be allowed within 1,000 feet of another existing adult use.
- (2) No such adult use shall be located within 1,000 feet of any zoning district which is zoned for residential use.
- (3) No such adult use shall be located within 1,000 feet of a preexisting school or place of worship.
- (4) No such adult use shall be located in any zoning district except an I Industrial zoned area.
- (5) No such adult use shall be deemed to be a permissible change of use as set forth in § **205-129** of this chapter.

B. Exterior display. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

C. Any adult use permitted by special exception must be contained in a freestanding building which has no other use than those listed herein as adult bookstore, adult motion-picture theater, adult entertainment cabaret and/or massage parlor.